



## A case of inappropriate use of unpublished data in a scientific publication: An apology and clarification

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A recent case raised in the pages of this journal by a group of colleagues demands that I offer a public apology to them, to the editors of this journal, to my co-workers and colleagues, and to the scientific community at large. I made a mistake that I regret, and wish to offer a clarification on the matter.

Lefebvre et al. (2005) have reported a case of inappropriate use of their unpublished data in a recent publication of mine (Ruta 2003). Specifically, I constructed a species-level supertree of stylophoran echinoderms by combining assorted cladograms produced by various researchers. All but one of these cladograms were available in the literature when my own contribution appeared in December 2003 in *Acta Palaeontologica Polonica*. The unpublished cladogram was part of a large manuscript submitted by Lee, Lefebvre and Choi to the journal *Palaeontology* in August 2002. As Lefebvre et al. (2005) have pointed out, I was one of the referees for that manuscript. I recommended it for publication in *Palaeontology* and gave it a high rating. I requested that the editors of *Palaeontology* disclose my identity to the authors and provide them with a full account of my remarks and suggestions. The only substantial recommendation I had was that, as their manuscript was quite large, it could be delivered as two separate publications (either in the same or in two different journals), one containing a morphological, taxonomic and phylogenetic component, the other with a statistical and morphometric component.

One of the authors (Lefebvre) corresponded with me in 2003 following the rejection of his manuscript for *Palaeontology* in January 2003. Lefebvre acknowledged my positive comments on his manuscript with Choi and Lee, and explained briefly that the statistical component of his original work would be published as a separate paper. Shortly after my review of their work, and before I came to know about its rejection, I had produced a manuscript for *Acta Palaeontologica Polonica*. That manuscript contained a cladogram from the Lee, Lefebvre and Choi work which I had reviewed, and which I cited as “in press”. I used their cladogram on the assumption that it would soon be in press and would appear before my paper. I did not, however, ask the authors’ permission as I should have done, a mistake that I here acknowledge, with apologies. My manuscript was eventually accepted by the editors of *Acta*. When the Lee, Lefebvre and Choi work was rejected by *Palaeontology*, my correspondence with the editors of *Acta* regarding my manuscript (Ruta 2003) was already in an advanced state. By that time I was aware of the forthcoming publication of my paper in *Acta*, and knew that the phylogenetic part of the Choi, Lefebvre and Lee manuscript had not yet been submitted.

At this point I went ahead with the page proof stage of my manuscript submission to *Acta*, and again did not contact the authors to seek permission to use their cladogram. This was obviously wrong of me, and I can offer no excuse for my inaction, as I am fully aware of the procedures associated with manuscript review, data confidentiality and the often long time that it takes for manuscripts to appear in print.

The whole matter is complicated by an additional factor. Researchers who wish to use unpublished or in press cladograms from their colleagues (after permission to do so is granted by them), either leave any new taxon name out, or replace it with labels such as “NEW TAXON” or “NEW GENUS AND SPECIES”. In my printed paper and published illustration of my stylophoran supertree, I labelled a new peltocystidan

mitrate described by Choi, Lefebvre and Lee (in their original manuscript) as “New peltocystidan”. Unfortunately, I inadvertently allowed the new name that they chose to appear in the electronic data matrix that accompanied my publication (Ruta 2003), and thereby unintentionally erected a *nomen nudum*.

To sum up: (1) I mistakenly assumed, at first, that the work by Choi, Lefebvre and Lee would be published (given its high standards and research quality) before or immediately after my own contribution could appear in print; (2) I did not contact Choi, Lefebvre or Lee, seeking permission to use their unpublished cladogram as one of the source trees for the construction of my supertree; (3) I neglected to include a proper specific reference to my colleagues’ work, beyond citing their work as “in press” in the electronic data set of my paper.

I only wish to add that I would have preferred a different outcome for the whole matter. Over the period of almost two years that elapsed between the publication of my work (Ruta 2003) and the note by Lefebvre et al. (2005), I never heard from the authors (except for a brief exchange with Lefebvre who notified me of the rejection of his manuscript) and I wish I had been given an opportunity to publish an official apology in conjunction with their note.

The authors state that my inappropriate use of their unpublished data (specifically, their cladogram topology) might have “serious complications” for them and “compromise the novelty” of their results. However, the integrity of their results is preserved, with the sole exception of the cladogram topology, which is of little value without the data supporting it and a discussion of the phylogenetic results. Although I am guilty of inappropriate use of unpublished data, I do wish to emphasize that I did not plagiarize the authors’ research, nor did I introduce a single statement concerning their new taxon, its morphology or its bearing on our knowledge of peltocystidan mitrates. In fact, I did not elaborate upon the interrelationships of peltocystidan mitrates at all.

In conclusion, I wish to offer my apologies to the authors—Choi, Lefebvre, and Lee—to each of which I will also send a personal letter.

I also apologize to the editors of *Acta Palaeontologica Polonica* and *Palaeontology*. A personal letter of apology will be sent to the Chief Editors of both journals.

Finally, I extend my apologies to colleagues, mentors and friends, some of whom continue to be supportive of my research and have been sympathetic and generous with advice in this circumstance. My thanks go to Lorie Barber, John Bolt, Mike Coates, Andrew Milner, and Olivier Rieppel.

## References

- Lefebvre, B., Lee, S.-B., and Choi, D.K. 2005. A case of inappropriate use of unpublished data in a scientific publication. *Acta Palaeontologica Polonica* 50: 632.  
Ruta, M. 2003. A species—level supertree for stylophoran echinoderms. *Acta Palaeontologica Polonica* 48: 559–568.

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