Giant Step For Sony-BMG

Executive Team Preps For Merger

BY EMMANUEL LEGRAND and WOLFGANG SPAHRI

The heavy lifting is about to begin for BMG and Sony Music.
With the European Commission's July 19 clearance of the proposed merger of the two music giants, approval by the U.S. Federal Trade Commission is the final hurdle before (Continued on page 68)

Tough Decisions In Local Markets

A Billboard staff report

LONDON—With the Sony-BMG merger all but assured, perhaps the biggest challenge facing the management team at the new music giant is the integration of label operations around the globe.
In each market tough decisions will have to be made about the senior executive (Continued on page 68)

Smooth Sailing

Buffett's Latest Breezes Straight To Top Of Chart

BY MELINDA NEWMAN and PHYLLIS STARK

It only took 30 years from when he first debuted on the Billboard albums chart, but Jimmy Buffett can finally say he has reached No. 1. "License to Chill," a set that includes duets with top country artists Alan Jackson, Toby Keith, George Strait, Kenny Chesney, Clint Black and Martina McBride, sold 238,500 in its first week of release, handily topping The Billboard 200.
"I figured if I didn't make it there in the next year or two, I was just going to hang it up and try something else," Buffett (Continued on page 59)
The Rolling Stones' 45s Roll

The way it was, the way it is: The Rolling Stones Singles now in a limited edition 11-CD Box Set. A series of three limited edition boxed sets that chronicle the rise of the Rolling Stones as single chart hit makers 1965-1967.

- DSD Digitally Remastered sound.
- 28-page booklet containing rare photos.
- Original single sleeve artwork holds 11 separate CD's which look like the original 45's.
- Contains bonus picture cards
- Rare double-sided Rolling Stones poster.

Coming Soon: Singles 1968-1971 (Vol. 3)
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2 Movies & Music: Hilary Duff has successfully transitioned from TV personality to music and movie star.
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4 Classical Score: Robert Spano is now conducting the Atlanta Symphony Orchestra full-time.
5 On The Road: AEG ink a naming-rights deal with Nokia and plans a billion-dollar Los Angeles development.

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QUOTE OF THE WEEK
It's like being the old fart in the surf line. I'm the bald guy with all these kids. But I'll take the wave, and I know how to ride it for a long time. — JIMMY BUFFETT

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Congratulations

JIMMY

ON
License to Chill

#1

the #1

BEST-SELLING ALBUM

IN AMERICA

THANKS

ALAN, KENNY, TOBY, MARTINA, GEORGE, CLINT, BILL AND NANCI

FINS UP!!!
**Movies Inspiring New Round Of Musicals**

**BY CARLA HAY**

NEW YORK — Broadway is getting more inspiration from the silver screen. Several musicals based on movies are headed to the Great White Way within the next two years in a growing trend in musical theater.

*Monty Python's Spamalot,* "Dirty Rotten Scoundrels," "Dracula the Musical" and "The Color Purple" are just four movie-inspired musicals set to debut this year.

Although no Broadway dates have been scheduled yet, "The Ten Commandments" musical, starring Val Kilmer, will premiere this September at the Kodak Theatre in Los Angeles.

Other musicals that are in development or discus-

**FAMILIARITY MITIGATES RISK**

What is behind this boom in musicals based on movies? Entertainment attorney Jay Cooper of law firm Greenberg Traurig in Los Angeles says, "Musicals and other Broadway productions are very risky investments, and it's easier to go with a concept that's familiar to people already. Musicals don't have an afterlife like movies do. If a musical is a hit, it's likely to have a sequel."

(Continued on page 69)

**Changes Seen Atop Clear Channel Music**

**BY RAY WADDELL**

Changes are imminent atop the concert division of Clear Channel Entertainment, according to a number of sources.

In a drama that was still unfolding at press time, Miles Wilkin, who is chairman/CEO for CCE Europe and chairman of theatrical worldwide for CCE, has been tapped as chief executive officer overseeing the company's music division, which includes such operations as venues, touring and sponsorships.

Additionally, Michael Rapino, who has been CEO of European music for CCE, is believed to be in line to run CCE's worldwide concert business, reporting to Wilkin.

The changes were not official at deadline, and no specific titles for Wilkin and Rapino could be determined. In their presumed roles, Wilkin and Rapino would supplant current CCE Music co-CEOs Dave Lucas and Don Law as the top-ranked global music executives at CCE, the world's largest concert promoter and venue operator.

But Lucas and Law appear to be lobbying to maintain their authority. Both insist business at CCE Music is status quo.

"Everything is as it has been," Lucas told Billboard's July 20. "And I look forward to continuing to lead Clear Channel Music in the future."

Several key executives at CCE tell Billboard that they had not been informed of any official changes. CCE chairman/CEO Brian Becker could not be reached for comment.

However, CCE's Mike McGee, executive VP of corporate operations, tells Billboard: "I won't specifically comment on any of this, but changes are being discussed, and at the appropriate point when we have something to announce, we'll announce it."

If these changes do occur as expected, the status of Boston-based Law and Indianapolis-based Lucas remains unclear. It is believed that both will stay with the company in some capacity and report to Wilkin and Rapino. They currently report to Becker.

The new pecking order, sources say, would be Becker, Wilkin, Rapino, then Law/Lucas.

Law and Lucas have run CCE's music (Continued on page 56)
XM Puts Rhino In Space
Satcaster To Air Specials Based On Label’s Catalog

BY BRIAN GARRITY

NEW YORK—Rhino Records and XM Satellite Radio are teaming to produce a wide range of exclusive music and pop-culture specials based on the Rhino catalog, Billboard has learned.

The two companies are developing in-depth programs about Ray Charles, the Monkees, the Grateful Dead, Elvis Costello, Aretha Franklin, Chicago and Dwight Yoakam, among others.

“This is a way to bring attention to the Rhino catalog,” says David Dorn, senior VP of new-media strategy for Rhino.

The programs—which will vary in length from 90 minutes to a few hours—will be heard exclusively on various channels across XM. The specials will feature extensive between-song programming including interviews and historical press-kit materials.

Lee Abrams, chief programming officer for XM, says that almost all of its music stations that are not focused on current catalog will air Rhino specials.

XM is expected to air approximately 50 Rhino specials between now and year’s end.

Dorn says that roughly half of the specials produced for XM will be tied to Rhino’s release schedule.

XM will dip into Rhino’s rich vaults for exclusive programming opportunities.

However, he says that Rhino and XM will also be looking to give new life to older boxed sets and collections that never got exposure through terrestrial radio.

“Music discovery is music you haven’t heard before,” Dorn says, pointing out that music does not have to be newly released to seem fresh to consumers.

Abrams agrees. He says that XM and Rhino have similar philosophies. “One of our slogans internally is: ‘We believe in careers, not just hits. This allows us to open up artists’ catalogs.’

XM is looking to programming features like the Rhino specials as a selling point for its service against terrestrial radio and rival satcaster Sirius.

The company, which offers 68 channels of commercial-free music, currently claims a subscriber base of 2.1 million.

XM received a special waiver from Rhino to use its catalog for in-depth programming centered on its individual artists.

The Digital Millennium Copyright Act prohibits Internet and satellite programmers from playing more than a few cuts from a single artist in a three-hour period without permission from the copyright owner.

For Rhino, a Burbank, Calif.-based catalog specialist focused on archival reissues and anthologies, the deal is the latest in a series of moves to promote its brand across new technology platforms.

The label also has alliances with the iTunes Music Store and video-game publisher Electronic Arts.

Copyright Office: Radio Needs To Pay Performance Royalty

BY BILL HOLLAND

WASHINGTON, D.C.—The U.S. Copyright Office has told Congress that with the advent of high-definition digital radio, it is time to grant a full performance right in sound recording to labels and artists.

David Carson, general counsel of the Copyright Office, testified at a House panel hearing July 15 that the rights upgrade is needed because forthcoming second-generation HD receivers will be able to cherry-pick and redistribute music.

Currently, the recording industry only enjoys a limited performance right in streamed webcasts and internet radio.

Carson testified before the House Subcommittee on Courts, the Internet and Intellectual Property that the technology of HD radio makes a change in the law imperative.

“The advancement of creative action, the rollout of digital radio and the technological devices that promise to enable consumers to gain free access at will to any and all the music they want will pose an unacceptable risk to the survival of what has been a thriving music industry,” he said.

Carson noted that such technology also poses a threat “to the ability of performers and composers to make a living by creating the works the broadcasters, webcasters and consumer electronic companies are so eager to exploit [to put] money in their pockets.”

The nation’s radio broadcasters have fiercely opposed a performance right for 50-plus years. The National Assn. of Broadcasters has successfully crushed legislative attempts to create such a right that would affect traditional, over-the-air broadcasts.

The United States stands alone in not providing creators with such a right. Most other nations have a performance right in sound recordings.

Through the decades, the Copyright Office has remained firm that such a right is legal and necessary, even if it is not politically possible.

In the initial 1995 government white paper on copyright in the digital age, the Working Group on Intellectual Property Rights characterized the lack of a performance right in sound recordings as “a historical anomaly that does not have a strong policy justification—and certainly not a legal one.”

The Recording Industry Assn. of America supports a full performance right (see Taking Issue, page 10), as do artists’ groups and unions.

David Salem, VP of marketing for Ibiquity Digital, says: “We’re opposed to people stealing content, and as a technology developer, we would be part of a marketplace consensus on how best to achieve that. But changing the copyright law is something else, because we don’t want people to take their music and redistribute it.”

“Also, I’m not so sure how this is different from copying something from satellite radio or the rock station on DirectTV,” he adds. “If they’re worried about the programming aspect—look for this and record this—I don’t know if that’s double or not, [but] I don’t think broadcasters are going to be saying, ‘Coming up next, U2 at 3:52.’”

Napster, Apple In Campus Deals

BY SCOTT BANERIEE

Recorded music’s shift from physical CDs to digital formats started with college students sharing files on campus networks. Now Napster and Apple Computer are souring their digital seeds with these early adopters.

Napster has established new relationships with six schools: Cornell University, George Washington University, Middlebury College, University of Miami, University of Southern California and Wright State University. The company will create programs that allow students at these schools to access its digital music service, starting this fall. Napster offers subscriptions and per-track downloads.

Meanwhile, Apple inked a deal with Duke University to distribute iPods—the dominant portable music player—to its incoming freshmen this August. Under a licensing arrangement with Apple Computer, the Durham, N.C., school also plans to distribute a special version of iTunes software that will allow students to download course content.

These distribution efforts are part of a larger Apple initiative to spread the reach of iTunes and iPod on college campuses.

TWO APPROACHES

Napster and Apple are taking different approaches to building user loyalty within the same market.

Napster, originally branded as a facilitator of illegal file-sharing, sees an opportunity to reinvent itself as the legal alternative.

“Our major goal here is to show this great segment of the market that there are legitimate, buyable alternatives to peer-to-peer sites that do not run the risk of viruses and have consistent quality [without] pop-ups or spyware,” Napster senior VP of business affairs/general counsel Aileen Atkins says.

Apple is hoping to leverage the popularity and versatility of the iPod, which plays and stores music.

Duke’s distribution of 1,650 iPods is part of a one-year pilot program. The school is paying for the project with strategic planning funds.

Tracy Puthe, VP for information technology at Duke, says the university “is approaching this as an experiment [that] we hope will motivate our faculty and students to think creatively about using digital audio content and a mobile computing environment to advance educational goals.”

Napster has witnessed success with current college partners Penn State University and University of Rochester, according to Atkins. At Penn State, 75% of eligible students—those with adequate PCs and Internet access—have adopted the technology. This has encouraged Napster to invest development and marketing resources in this type of project.

NEW-GENERATION IPODS

Each incoming Duke freshman will receive the new 20GB iPod, which Apple announced June 19. The new iPod is 1 millimeter thinner and has 50% more battery life than the previous version. Its battery can last for 12 hours at a time. The device is available with 20GB of storage for a retail price of $299 and 40GB for $399; each model costs $100 less than its previous version.

The Duke iPods will come pre-loaded with orientation information, an academic calendar and other school-related content.

Napster’s latest university partnerships resulted from its involvement with the Campus Action Network, a music industry initiative to introduce college students to legitimate file-sharing services.

Napster also recently struck a deal with the Dave Matthews Band to digitally distribute its catalog, including recent RCA Live at The Gorge.” The band leaves behind such superstar acts as the Beatles, Led Zeppelin, Madonna, Radiohead, AC/DC, Bob Seeger, Garth Brooks and Elvis Costello, who have not yet licensed their work to a major digital music service.
It was Bigger. It was Better. It was HUGE!

• #1 Awards Show in 2004 on television among African-Americans! ¹
  • #1 Cable Telecast for the week of June 28th! ²
  • BET's "Most Watched" telecast ever!

Thanks to all of the performers, presenters, and record labels who helped make it a record-breaking year!

SOURCE: BET Corporate Market Research via Nielsen Media Research; (1) report interval 12/29/03-06/29/04 claim based upon Black 18-49 and 18-34 Projections in thousands for 2004 cable and broadcast Awards Shows; (2) report interval 06/28/04-07/07/04, claim based upon Household Projections in thousands for all ad-supported cable networks. Further qualifications available upon request.
McGrath Ascends At MTV

BY CARLA HAY

NEW YORK—MTV Networks’ newly promoted chairman/CEO Judy McGrath says that one of the first orders of business under her leadership will be to “invest more in MTV Networks’ digital channels.”

She says that MTV Networks plans to go “into the United Kingdom business in a bigger way. We’re going to keep growing our [spin-off] channels.”

McGrath was previously MTV Networks Group president, responsible for MTVM2, VH1, CMT, Comedy Central and the recently announced Logo, set to launch in 2005.

She takes over the chairman/CEO position formerly held by Tom Freston, who recently received last month to co-president/co-CEO of Viacom, MTV’s parent company (Billboard, June 12). In her new position, New York-based McGrath reports to Freston.

As MTV Networks chairman/CEO, McGrath adds Nickelodeon, Spike TV and MTV Networks International to her portfolio, as well as spinoff channels, consumer products and digital operations related to the various networks.

McGrath has been with MTV since 1981, when she joined as a copywriter in the on-air promotions department. Under the new management structure, MTV Networks Group president Herb Scannell and MTV Networks International president Bill Roedy report to McGrath. Scannell will continue to be responsible for Nickleodeon, Nick at Nite, Spike TV, TV Land, NickMom and the N.

OTHER CHANGES

At the same time, MTV Networks president/COO Mark Rosenthal is exiting the company.

“Mark Rosenthal leaving is bitter-sweet,” McGrath tells Billboard. “I’m not certain if his replacement will have exactly the same title or position. We’ll have to think about our business strategy first.”

McGrath hints that she may be considering someone within MTV Networks to succeed her at MTV Networks president/COO. bushes to MTV2.

MTV2/MTV Films president Van Toffler, VH1 president Christiana Norman and MTV/VH1 president of entertainment Brian Graden are “certainly candidates” for the job, McGrath says. She expects to “decide the new senior leadership very soon.”

McGrath would not reveal details of her expansion plans for MTV Networks, but says that these plans will include more touring partnerships for mtvU, the company’s entertainment channel for college campuses.

Universal Music Group chairman/CEO Doug Morris praises McGrath’s promotion.

“They could not have picked a better person for the job,” he tells Billboard. “Experience, brilliance and integrity never fail.”

Jerry Goldsmith Dead At 75

BY CARLA HAY

Award-winning film and TV composer Jerry Goldsmith died July 21 of cancer in Beverly Hills. He was 75.

Goldsmith’s long and distinguished career included a best original score Academy Award for the 1976 movie “The Omen.” He also received several Academy Award nominations for best original score, including those for “Chinatown,” “Mulan,” “Hoosiers,” “L.A. Confidential,” “Poltergeist,” “Star Trek: The Motion Picture,” “Patton” and “Planet of the Apes.”

In addition, Goldsmith won four Emmy Awards as composer for the TV series “Star Trek: Voyager,” 1981 miniseries “Masada,” 1975 TV-movie “Babe” and 1974 miniseries “QB VII.” His Grammy Award nominations included best original score for “The Omen.”

“Alien” and “The Man From U.N.C.L.E.”

Born Feb. 10, 1929, in Los Angeles, Goldsmith began his composing career in the late 1940s in radio and TV. In the 1950s, Goldsmith wrote music for such radio shows as “CBS Radio Workshop” and “Romance.” He went on to compose music for numerous TV series, including “The Twilight Zone,” “Perry Mason,” “The Fugitive,” “The Man From U.N.C.L.E.” and “Dr. Kildare.”

Goldsmith was also a long-time composer of music for the Academy Awards ceremony on TV. His most recent film work included writing music for 2003’s “Looney Tunes: Back in Action.” Goldsmith also had a small acting career, with cameos in such movies as “Gremlins” and “Gremlins 2: The New Batch.”

Funeral service details for Goldsmith were unavailable at press time.

Bainwol States Case On ‘Induce’ Bill

BY BILL HOLLAND

WASHINGTON, D.C.—Mitch Bainwol, chairman/CEO of the Recording Industry Assn. of America, was the record industry witness at a July 22 hearing regarding the so-called Induce bill.

The Inducing Infringement of Copyrights Act, S. 2560, would allow artists and labels to sue peer-to-peer companies that profit from encouraging minors and others to commit copyright infringement.

Bainwol’s support testimony comes on the heels of the July 20 copyright infringement lawsuit settlement with P2P company iMesh.

iMesh has agreed to settle claims with RIAA record companies for $4.1 million and migrate to an online business that abides by U.S. copyright laws. In his statement on the settlement, Bainwol said: “This settlement with iMesh is an opportunity to demonstrate that promise in the legitimate marketplace. The constructive approach of iMesh stands in stark contrast to other file-sharing businesses who thumb their noses at Congress continue to offer liability onto users, and duping America’s kids into breaking the law.”

The bill, authored by Sen. Orrin G. Hatch, R-Utah, and co-sponsored by five Republican and Democratic leaders, states that whomever “intentionally induces” or “intentionally aids, abets, counsels or procures” any violation of copyright “shall be liable as an infringer.”

Members of the consumer electronics, Internet and hi-tech communities (Continued on page 56)
IFPI: 1.1 Billion Pirated CDs Sold Last Year

BY EMMANUEL LEGRAND

LONDON—One out of every three physical recordings sold in the world is a pirate product.

Based on street value, international trade body the International Federation of the Phonographic Industry estimates the global pirate music business was worth $4.5 billion in 2003. This figure is based on an estimated 1.1 billion pirate optical discs sold in the world last year.

“Overall, pirated products are the most serious threat to our business,” IFPI chairman/CEO Jay Levy says.

In addition, sales of illegal music is consistently rising. Piracy levels were at 17% in 1999; they are now at 35%. The growth rate for sales of pirated products has doubled in the past five years, but German

says 2003 saw the growth rate slowing down.

“We’ve been at work—seizures are up and some governments have taken action,” Berman says. IFPI-originated action has resulted in the seizure of 56 million optical discs last year, up from 13 million in 2001. The IFPI presented a comprehensive overview of its actions against piracy in the 2004 Commercial Piracy Report, unveiled July 22 in London.

The two main sources of pirated products are CD pressing plants and CD-R burning operations. The former is what Berman calls “a trans-border business” while the latter is mainly for local consumption.

For example, IFPI has identified Russia 20 plants out of the existing 31 that “are involved in piracy,” according to IFPI head of enforcement Iain Grant. In Pakistan, IFPI has identified eight pressing plants with a yearly capacity of 160 million CDs per year.

“What we are dealing with is not amateurs—these are part criminals,” Grant says. He adds that there is serious concern within law enforcement agencies such as Interpol that part of the profits from this business could help finance terrorist groups.

Berman presented the IFPI’s 10 priority countries, as it did last year. The main piracy offenders are Brazil, China, Mexico, Pakistan, Paraguay, Russia, Spain, Taiwan, Thailand and Ukraine.

“These are the countries that failed to live up to their responsibility,” says Berman, who calls upon the governments of these countries “to take firm action against commercial music piracy.”

EMI music chairman/CEO Alain Levy also calls upon “governments to stand alongside us.”

“Many governments do not understand the value of intellectual property rights,” says Levy, who adds that piracy first hits local cultures and economy, as it limits record companies’ investment in local repertoire.

Levy notes that for the past two years his company has stepped up its anti-piracy action.

EMI employs 50 people worldwide who deal directly with physical and online piracy issues. In addition, he estimated EMI spending $3 million ($9.2 million) per year to fight piracy.

The industry’s global anti-piracy actions are costing $50 million ($92 million per year, according to Grant.

Buffett

Continued from page 1

says with an obviously delighted laugh. “I’m just tickled pink.”

His ascent marks the longest period between an artist first charting on The Billboard 200 and reaching the peak. Buffett debuted on the album chart in 1974 with his third release, “Living and Dying in 3/4 Time.”

Additionally, the first-week sales for “Chill” far exceed his biggest previous Nielsen SoundScan week of 123,000 units for 1996’s “Banana Winds.”

That is in part due to Buffett’s popularity at country radio and the decision to license the album, which is on Buffett’s own Mailboat label, to RCA Records for marketing, promotion and distribution through BMI.

“We’ve always done very well with him, but this is going to be the biggest record he has had for us,” says Steve Diesel, a senior buyer for Minneapolis-based Best Buy.

Opening sales for the album exceeded the big hopes Handelman had for the project. Handelman ranks Kmart, a number of Wal-Marts and several other accounts.

“It is really performing well,” Handelman group VP Scott Wilson says, “a little higher than our expectations. But we also thought that the setup and the radio play who’s on the album, that would do quite well.”

Indeed, the who’s who of country artists featured on the project impresses even Buffett.

Although Buffett has had more than a dozen songs on the country chart over the years, his country fortunes started to rise in earnest in 1999 when Jackson asked him to duet on a remake of Buffett’s classic drinking song, “Margaritaville.” “I didn’t know how big Alan was,” Buffett admits, “and then I found out when that jet came in.”

That song peaked at No. 63 on the Hot Country Singles & Tracks chart, but it paved the way for the duo’s 2003 smash, “It’s Five O’Clock Somewhere,” which spent eight weeks at No. 1.

Following Buffett and Jackson’s win for vocal event of the year at last fall’s Country Music Assn. Awards, Buffett says he started asking artists to participate on “Chill.” “I thought, ‘Hell, when am I going to see everyone again?’ “Buffett says. “I thought if I got 50% of them, it would be great, but everyone’s schedule worked out.”

He says he is tremendously gratified that so many artists on the album have cited him as an influence, but they shouldn’t expect him to hand over the reins.

“It’s like being the old fart in the surf line,” he says, “I’m the bald guy surrounded by all these kids. But I’ll take the wave, and I know how to ride it for a long time.”

As “Chill” developed, and, as Buffett says, “we caught some magic in the studio,” he thought the album might need a little more juice than Mailboat could provide.

“It’s kind of like fishing,” he says. “I knew I could go to the Parrothead fishing hole, but I thought there were a lot more fish we could reach if we also went to another fishing hole. But we didn’t have the bait to catch them.”

RCA BAITS THE HOOK

“That’s where RCA came in.” They laid out a great marketing plan,” Buffett says. “I shut up and

said, ‘Pick the single. I’ll do the promotion you want me to do. I couldn’t be happier.’

Knowing that country radio was already open to Buffett’s music, RCA went after airplay hard.

The first single, a remake of Hank Williams “Hey Good Lookin” features

the License to Chill tour.

CMT, which world-premiered the “Hey Good Lookin’” video, is running a three-week contest that will win a buffet of Aug. 26 concert in Chicago.

The biggest challenge was making Buffett fans and country fans aware of the album’s release, a task made easier by the core country artists who appear on the album.

“We felt like it was a really interesting and unique opportunity to speak to the Parrotheads who live and breathe Jimmy Buffett and also to the country music who was already predisposed to Jimmy,” Elliot says.

“He has his own fan base, and it’s amazing how strong it is,” Elliot adds. “He built a brand that all we had to do was tap into.”

As with all country product, Elliot says “mass merchants were the leaders” in moving “Chill.” In fact, 61% of the first-week sales came from such retailers (see Over the Counter, page 57).

“When we were talking to Buffett’s management [H.K. Management], from day one they said, ‘Make sure you track Best Buy, because they will give you an idea of how the album’s doing.’ When Best Buy started to outperform, we knew we had a big record here.”

Buffett is now turning to putting the finishing touches on his next novel, “Salty Piece of Land,” which comes out later this year, as well as finalizing a film deal.

But he says that reaching the pinnacle has given him an incentive to keep going musically.

“I'll quit when I can’t remember the words or when I go flat,” Buffett says. “But until then, I’ve definitely got a few more in me.”
Time To Revisit Digital Laws

The following is edited from testimony presented July 15 by Steven Marks, general counsel of the Recording Industry Assn. of America, before the House Subcommittee on Courts, the Internet and Intellectual Property.

L

ess than 10 years ago, Congress enacted the Digital Performance Right in Sound Recordings Act and the Digital Millennium Copyright Act to address the problem of piracy. The absence of that right for creators of sound recordings leaves them singularly dependent on sales income. But not only does this deprive them of a revenue stream, it also deprives them of the ability to ensure through licenses that services servicing recordings through new digital technologies do not displace sales. Instead, in the DPRSRA and DMCA, Congress sought to strike a balanced, multifaceted compromise among competing interests. Congress understood these major categories of services.

Free, over-the-air broadcasts were exempted from compensating creators of sound recordings because they were thought not to pose a threat to the distribution of recordings.

Subscription services and webcasters, including simulcasters, were granted a compulsory license with conditions designed to ensure that sales would not be displaced.

Interactive services were made subject to full copyright protection, because they were thought most likely to displace sales.

Today, the lines between these categories are becoming blurrier as new ways of transmitting identified information, or “metadata,” recording devices and software allow users to selectively record or disaggregate programs into individual tracks. Users can listen to these tracks again and again apart from the original transmission and redistribute them.

This new recording functionality allows users to cherry-pick recordings meant only to perform, vitiating the assumptions underlying the DPRSRA and DMCA.

Software like Streamripper or Replay Music enables users to easily record streaming music from webcasters and simulcasters and save it as individual, high-quality MP3 files that are automatically tagged with the artist and song title. Some software even offers integrated CD burning.

The effect of these kinds of products is to transform the passive listening experience we know as radio into the equivalent of an interactive performance and distribution service. Such a transformation dramatically changes the nature of this service, which will become the next platform for piracy. Such a transformation would also turn the role of the DPRSRA and DMCA on its head.

That leaves the question of how to maintain the balance struck by these two laws. With respect to digital broadcasting, the marketplace is very much a test case to see how the FCC is looking at this issue right now. We hope the commission will do the right thing and provide adequate protection for recordings.

We also assure that broadcasters who will join us in embracing use of such content- protection features, because it is not in their interest for listeners to automatically record selected music and strip out advertising and other programming elements. We remain engaged in the commission process to ensure any FCC regulation of broadcasting does not undermine Congress’ consistent copyright policy.

For webcasting, we understand that technology is available to protect webcast streams from unauthorized and illegal copying, but webcasters and simulcasters do not employ such technology. Unfortunately, the compulsory license does not require webcasters to use streaming technologies that effectively protect recordings from widely available piracy tools.

That should change. Protections should be put in place to ensure that the DPRSRA and DMCA are meaningful. Feeding the call of some to provide even less content protection—by relaxing playlist restrictions in the sound recording performance compliment or otherwise picking apart the compromises struck in the DPRSRA and DMCA—is not the way to restore balance to this legislation.

The recording industry wants nothing more than to be able to keep creating the music that Americans enjoy and the broadcasting and webcasting industries viable. We look forward to working with broadcasters, technology providers and Congress to ensure the proper balance of interests and to keep the music playing.

UNfortunately, the compulsory license does not require webcasters to use technologies that protect recordings from piracy.

Likewise, as broadcasters switch to digital, over-the-air transmission, people inevitably will have opportunities to take music without paying for it, unless the recordings in those transmissions are protected. Digital broadcasting is a whole medium, dramatically different from analog broadcasting. The Federal Communications Commission has tentatively decided to permit digital broadcasting “in the clear”—that is, without any protection for the copyrighted works being broadcast.

If the FCC sticks with that decision, digital radio receivers will permit users to automatically build CD-quality libraries of music without ever listening to the broadcast. There would be little reason for most consumers to buy a download from a legitimate online service like iTunes, or to buy a CD, if they only need to plug in a digital radio receiver to compile a collection of every popular recording.

Indeed, since it is free of risks like viruses, spyware or corrupted files, such copying threatens to replace illegitimate peer-to-peer services as a source of music for those who would rather take it than pay for it.

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Hitmaker Marx Lends Sony His Ears

Meet Sony's newest A&R scout: Richard Marx. In addition to having his own album coming out in August on Manhattan/EMI and continuing to write and produce for a number of artists, Marx is working with Sony to develop acts.

First up is new Columbia act Valli Girls, a pop group whose members are 13- to 19-year-old females. "They were playing for me in this little conference room, and this girl was singing like she's at the Grammys. I was like, 'Sign me up!'" Marx says. He doesn't know whether his role will be as producer, writer or both, but such fluidity is one benefit of the Sony arrangement. "There's a formal deal in place," Marx says, "but it's very loose."

Marx has had tremendous success as a writer and/or producer over the last few years for such acts as 'N Sync, Shania Twain, Eamon and Luther Vandross, with whom he snared song of the year honors at this year's Grammy Awards for "Dance With My Father."

It was after that Grammy win that Sony Music U.S. president Don Ienner approached Marx about working with Sony's A&R staff.

The deal allows Marx to continue to write for and produce non-Sony artists. The only exclusive angle is on signing acts. "Donnie said to me that if I got my ears on any new talent, that he wanted to hear them before anyone else does," Marx says. And Marx is about to deliver his first artist, a male singer.

But Marx says he's not looking for his own label. "I don't want the pressure of an imprint yet, he says. "Let me sign an act and have success. The only thing I've had any consistent success with is writing and producing songs that have become hits, and even I know that's a crap shoot. There's no science to what I do."

TRINK UP: Lee Trink, who has just been named to the newly created position of GM for New York-based Lava Records, says his mandate from Lava founder/president Jason Flom is clear: "To break more artists and have more hits," Trink says. "It's as simple as that."

Flom assumed the title of chairman/CEO of Atlantic Records earlier this year, allowing him to pass on some duties to Trink.

Trink will oversee the day-to-day operation of all the label's divisions, except for A&R, which continues to come under senior VP Andy Karp. Karp continues to report to Flom.

Trink stresses that Flom, despite his larger Atlantic role, "is definitely still involved in Lava," he says. "Jason is kind of the heart and soul. He's the inspiration behind what we do."

In addition to working second singles from new artists Toby Lightman and Cherie, Lava will be busy with new releases from Simple Plan, Trans-Siberian Orchestra and a number of other acts between now and year's end.

Trink says there are no immediate plans to fill his former position, VP of marketing.

SIGNINGS: EMI has signed actress Minnie Driver to a worldwide contract outside of the United States, where she is signed to Rounder Records' Zoe imprint.

Driver wrote all but one of the songs on her album, which will come out in October. The lone cover is Bruce Springsteen's "Hungry Heart." She will appear on EMI's Liberty imprint.

Vagrant Records has signed Senses Fail. The band had previously recorded for Drive-Thru, which released the EP "From the Depth of Dreams" in April 2003. That title has sold 167,000 copies, according to Nielsen SoundScan. The act's Vagrant debut, "Let It Enfold You," comes out in September.

Former Creed Mates Cross Alter Bridge

LOS ANGELES—As part of Creed, Mark Tremonti has already sold 30 million albums. But as his new band, Alter Bridge, begins its journey, he conveys the enthusiasm of someone who is just starting out.

"We're taking just one bus and we're throwing everybody on there, all the crew, all of us, and hitting the road," says Tremonti, taking a break from mixing the Alter Bridge debut album, "One Day Remains," which Wind-up will release Aug. 10. "I'm looking so forward to it; we all are. I mean, those are the fun days."

Tremonti knows he and his bandmates—who include former Creed drummer Scott Phillips and original Creed bassist Brian Marshall—are trying to see if lighting can strike twice commercially. But more importantly, he wants to have fun.

"I just want to continue doing what I love doing," he says. "A lot of time with Creed, you were doing what you love on the stage, but a lot of the backstage stuff just got really stressful and it completely ruined the Joy of being in a rock band. This time around, I want to have fun all the time, be lighthearted about it and really have that dream finally come true where you feel like everything's just going great."

"There's no arrogance whatsoever," Wind-up president Steve Lerner says of the new band. "That's what Mark brings to the table. You're dealing with truly wonderful human beings who have a great chance to build another amazing story."

It became clear that the Creed chapter would end when the band got together to start work on its fourth studio album. "For three days, me and Scott [Phillips] played music and [Creed lead singer] Scott [Stapp] didn't really participate," Tremonti says. "We knew that it would take a millennium to get a record out. There were too many personal issues to get through before we could get to the music, and we're not getting any younger."

Stapp went his way and is now working on a solo record. Tremonti and Phillips brought back Marshall and started the hunt for a new lead singer. Tremonti was looking for someone with whom he could write, and, most importantly, with whom he and his bandmates could get along.

"You have to have somebody who has a personality that you can jell with," Tremonti says. "I have learned my les- (Continued on page 56)
Hilary Duff: Living A ‘Cinderella’ Dream

Don’t hate Hilary Duff because she has done what few entertainers have been able to do: cross over from TV to conquer the worlds of movies and music. She must be doing something right, because practically everything she touches turns into a hit.

With the kind of hectic work schedule Duff is keeping, expect to see more of her on the big screen for quite some time.

Her current movie, “A Cinderella Story,” a romantic comedy from Warner Bros. Pictures, opened in U.S. theaters July 16. She just completed filming the New Line Cinema drama “Raise Your Voice” (which opens in U.S. theaters Oct. 9), and she has been most recently filming the Universal Pictures romantic comedy “The Perfect Man,” due next year.

Duff tells Billboard that her role in “Raise Your Voice” has probably been her favorite so far because “it’s so dramatic. People really haven’t seen me do this kind of role before. I play a character whose brother is dying.”

In “The Perfect Man,” Duff has the role of a daughter who tries to play matchmaker to her single mother, portrayed by Heather Locklear. “It’s a great mother/daughter movie,” Duff says.

And although the Cinderella story has been told many times onscreen, Duff says that what appealed to her about her current movie was that “this is really an updated version of the story, and this is probably the most girl-empowered Cinderella we’ve seen in movies.”

Hollywood Records released the soundtrack to “A Cinderella Story” July 13. As with the case of many of Duff’s projects, she is prominently featured on the album. Duff performs six of its 14 songs.

The lead single is a cover of the Go-Go’s hit “Our Lips Are Sealed,” with the new version performed by Duff and her older sister, Haylie. The song’s video has quickly become a favorite at MTV.

Hilary Duff has also been doing a slew of TV appearances to promote the movie and soundtrack, including ABC’s Good Morning America” (her outdoor performance on the show drew about 7,000 people, according to ABC), NBC’s The Tonight Show With Jay Leno, CBS’s Late Show With David Letterman.”

MTV’s “Total Request Live” and the syndicated “Live With Regis & Kelly.”

The Duff sisters are currently on a North American tour together, which continues through September.

“We love working together,” Hilary says of her sister. “We decided to do a version of Our Lips Are Sealed because it’s a good message for stuff that’s going on in the movie and in my life, like dealing with gossip and all that high school drama.”

Duff says that the movie is “a great daughter/mother thing.”

Hilary Duff turns 17 on Sept. 28. That same day Hollywood will release her next (still untitled) album, the follow-up to her multiplatinum debut, “Metamorphosis.” Like most teen singing stars who become young adults, Duff (the former star of Disney Channel’s “Lizzie McGuire” series) says that her new album will show her mature side. But don’t expect a Britney Spears/Christina Aguilera vamp transformation. The bubbly Duff says she is excited about her new songs and that her fans will not be disappointed.

Duff is certainly working hard to have such a hot career. However, she says this about one of the keys to her success: “I just have such a great team around me who knows how to schedule things so there isn’t too much interference between all the things I’m working on.”

NEW ZOMBIE FICK: Rob Zombie’s next movie, “The Devil’s Rejects,” has completed production and is due in theaters next year. Zombie wrote, directed and produced the horror movie, which Lions Gate Films is distributing.

Lions Gate also distributed Zombi’s horror flick, “House of 1,000 Corpses,” which became something of a sleeper indie hit when it was released in theaters in 2003 after years of delays. “House of 1,000 Corpses” had a U.S. box office gross of $12.6 million, according to Nielsen EDI.

“The Devil’s Rejects” is the sequel to “House of 1,000 Corpses.”

EMI Gospel Expands Its Ministry With Signings

EMI Gospel is beefing up its roster with the signing of six new acts. Already a leader in the gospel community with such success stories as Smokie Norful and, most recently, Bishop Eddie Long’s New Birth Total Praise Choir, EMI has signed LaShun Pace, Micah Stampley, the Williams Sisters, Darius Brooks, Darlene McCoy and V3.

“EMI CMG is absolutely committed to ramping up the gospel division,” EMI Gospel VP/GM Larry Blackwell says. “We have the support of EMI North America, which is a key factor for us. EMI Gospel has come a long way in six years, and we’re pleased to have the presence we do in the community. Our goal is to offer stylistic diversity while not compromising the integrity of our slogan, ‘The Ministry, the Music, the Message.’ [It is] ministry first, through the gift of music.”

Blackwell says the objective is to meticulously extend the roster, “specifically blending young, new artists in addition to successfully established artists.”

Pace is a two-time Stellar Award winner and Soul Train Award winner whose EMI Gospel debut is slated for early 2005.

Stampley is a Houston native who won the 2004 Stellar Gospel Talent Search. He is signed to Dexterity Sounds, EMI Gospel’s joint venture label with Bishop T.D. Jakes. Stampley’s solo debut is slated for release early next year. In the meantime, he can be heard on three cuts on Jakes’ new “He-Motions” project.


Brooks is a three-time Grammy Award winner. A Chicago native with more than two decades in the gospel field, Brooks will make his EMI Gospel bow July 27 with “You Will”.

McCoy is an Atlanta-based artist who comes to EMI Gospel through a production deal with producer/writer Dallas Austin (TLC, Janet Jackson, Stacie Orrico). Her label debut is set for early 2005.

Also from Atlanta are Sasha, Shelley and LaToya Vinson, collectively known as V3. They have served as background vocalists for Daumia Haddon.

McCoy and V3 will have commercial singles issued in October.

One of the most anticipated releases coming from EMI Gospel is the Sept. 7 debut of Kierra “Kiki” Sheard, daughter of Karen Clark Sheard and granddaughter of the late Dr. Mattie Moss Clark.

“Rarely does a new artist come along with such a pedigree,” Blackwell says. “We are truly excited with the opportunity to assist Kierra in not only carrying on the Clark family legacy, but partnering with her to develop her own ministry and calling.”

EMI Gospel is also expanding further into the R&B and hip-hop communities. On June 29 the label released “Holy Hip Hop: Taking the Gospel to the Streets: Vol. 1,” a compilation of artists on the underground Christian hip-hop scene.

In other EMI Gospel news, Norful hosted the taping of new TV series “Living Out Loud” July 20-21 at Rocketown in Nashville. Each hour-long show features three artists serving up seven gospel songs apiece as well as insights into their lives and careers. The network home for the show is still in negotiation.

“Smokie co-hosted our Christmas special last year, ‘Follow the Star,’” which aired on BET and fit the role beautifully,” Blackwell says of Norful’s hosting abilities.

“With our new label lineup in place, we’re looking forward to what our next album, ‘The Show,’ will bring,” he says. “We’ll have a great deal of creative input into the sound. We’re looking forward to being a part of that. We’ve had a great relationship with Smokie Norful and are looking forward to working with him again.”

In Toronto, Norful will star in rework of “The Longest Yard,” due next year from Paramount Pictures and Sony Pictures. Norful and Nick Cannon have been cast in the Fox Searchlight/Fox 2000 roller-skating comedy “Roll Bounce.”

Darryl Pitts.
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American conductor **Robert Spano** is justly celebrated for his fluent command and total empathy when it comes to new music. Best-known for his work as the music director of the Brooklyn Philharmonic, he is now proving his versatility with a broader repertoire as music director of the Atlanta Symphony Orchestra, a post he took on in the 2001-2002 season.

As Spano's rapidly growing and critically applauded Telarc discography shows, his mastery ranges from Vaughan Williams and Rimsky-Korsakov to such rising American composers as Christopher Theofanidis and Jennifer Higdon. Telarc is hoping to score another win with Spano's recording of Berlioz's "Requiem." The label is issuing the piece Aug. 24 in CD and Super Audio CD versions.

This past spring, Spano left his post as music director of the Brooklyn Philharmonic to man the ASO full time. "I loved my eight years in Brooklyn, and my consolation is that I'll be back this coming season to conduct Gershwin's 'Porgy and Bess,' and hopefully I'll return in following years as well," Spano says. "The things that we've been able to do together are some of the most profoundly life-changing experiences I've ever had."

New York and Atlanta offer very different environments to artist and audience, Spano says. "There's lots of musical life in Atlanta, but the Atlanta Symphony Orchestra is really a mainstay of life in the city, and so there's a greater responsibility for us to be many things to many people. In New York, by contrast, you can hear so many different orchestras on any given night. So my reaction to that is to be more embracing of a larger mission. In Atlanta, our responsibility is to be the Brooklyn Philharmonic and the American Composers Orchestra and the American Symphony Orchestra and the New York Philharmonic, all at once."

**OLYMPIC FEVER:** Athletes aren't the only ones looking ahead to the Olympics in Athens next month. To mark the occasion, Universal Classics launched two recordings of Greek music July 13.

The first is Decca's "Zorba's Ballet," with Charles Dutoit and the Orchestre Symphonique de Montreal. It is an album of music by Greece's best-known composer, Mikis Theodorakis, featuring his film score for "Zorba the Greek" adapted into a ballet.

The second release is "From Greece With Love: Songs From the Home of the Olympics," formerly known as "Songs My Country Taught Me," this newly re-recorded collection features mezzo-soprano Agnes Baltsa, conductor Stavros Xarhalos and the Athens Experimental Orchestra. The pieces are by Theodorakis, Xarhalos, Manos Hadjidakis (another renowned contemporary Greek composer) and Vassilis Tsitsanis, a master of rimbetikou, a gitty style often referred to as the "Greek blues."

**CLASSICAL . . RUMSFELD:** In the run-up to the 2004 U.S. elections, at least two composers have turned Secretary of Defense Donald Rumsfeld's words into fodder for classical song. Phil Kline's acclaimed "Rumsfeld Songs" (released in January by Cantalequin on his disc "Zippo Songs") puts excerpts of Rumsfeld's public statements—such as his now-famous "As we know, there are known knowns" comments—into a surprisingly elegant song cycle.

Sprung from very similar ground, pianist Byrant Kong offers his own "Poetry of Donald Rumsfeld," with soprano Ekinder Wall on a recent release from new San Francisco-based label Stuffed Penguin.

While Kong's songs are more whimsical than Kline's darly foreboding work, the political commentary in both versions is unmistakably clear.

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**Music**

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**BILLBOARD JULY 31, 2004**
Platinum Stars

Black Eyed Peas

Group’s Third Album Proves To Be The Charm For Funky Foursome

BY CRAIG ROSEN

We’ve all heard the complaint that the music business today sacrifices long-term artist development in favor of quick hits and short-term corporate profits. The success of the Black Eyed Peas flies in the face of conventional wisdom.

Signed to Interscope Records more than six years ago by chairman Jimmy Iovine, the progressive hip-hop group’s first two albums, “Behind the Front” in 1998 and “Bridging the Gap” in 2000 earned rave reviews but failed to go gold. The first album peaked at No. 139 on the Billboard 200 with sales of 197,000 units, according Nielsen SoundScan, while the sophomore set stalled at No. 67 with sales of 258,000.

Then came “Elephunk.” Released June 24, 2003, the album rolled past the platinum certification mark in March, on the strength of the band’s upbeat hit single “Where Is the Love?” To date, “Elephunk” has sold an estimated 6 million copies worldwide, according to Universal Music International, including 1.4 million units scanned in the United States.

The achievement earns the Black Eyed Peas recognition as the latest Billboard Platinum Stars of 2004. The Platinum Stars series profiles selected acts that have achieved platinum sales for the first time.

(Continued on page 16)
The People Behind The Peas

It Takes More Than Peanuts To Feed An ‘Elephunk’

BY CRAIG ROSEN

Every platinum star benefits from platinum partners, business relationships that drive a career forward. Our Platinum Stars series spotlights these relationships to give credit to the individuals and companies that support successful artists.

THE MANAGEMENT

David Sonenberg and Seth Friedman of DAS Communications manage the Black Eyed Peas.

Sonenberg started DAS Communications in 1976. He managed Jimmy Iovine, now chairman of Interscope Geffen A&M, when Iovine was primarily known as a producer. Other clients have included Meat Loaf, the Pogues, Wyctel Jean, Lauren Hill and Joan Osborne.

The Black Eyed Peas’ business manager is Sean Larkin of Larkin Business Management. Their legal adviser is Fred Davis of Davis, Shapiro, Lewit, Montone & Hayes.

THE LABEL


The team behind the album includes Interscope director of marketing Chris Clancy, IGA marketing and sales chief Steve Berman, head of promotion Brenda Romano, head of rhythm/crossover promotion Nino Cuccinello and head of publicity Dennis Dennehy.

THE SONGS

Following the release of “Elephunk,” Cherry Lane Music Publishing signed a worldwide co-publishing deal with the Peas.

The album’s lead single “Where Is the Love?” was written by William Adams (aka Will I Am), Justin Timberlake, Jaime Gomez (aka Taboo), Allen Pineda (aka Apl.de.Ap), Printz Board, Michael Pratantuno, George Fajon Jr. and J. Curtis. It is published by Will I Am Music (BMI), Nawa$ha Networks (BMI), Jeezyne Music (BMI) and Tenman Tunes and administered by Zomba Enterprises, Printz Polar Publishing (BMI), Tuono Music (BMI) and El Cubano Music (BMI).

THE STUDIO

William Adams and Ron Fair for Fairport/London produced “Elephunk.” It was mixed by Tony Maserati for Two Chord Music and engineered by Dylan Dreyow with additional engineering and Pro Tools work by Tal Herzberg. Christine Sirois served as assistant engineer. The strings on the album were arranged and conducted by Fair and recorded by Frank Wolf.

The album was recorded at Stevicha in Los Feliz, Calif., the Record Plant in Hollywood; Glenwood Studio in Burbank, Calif.; and Velvet One in Sacramento, Calif. Brian “Big Bass” Gardner mastered the record at Bernie Grundman Studios.

THE ROAD

Monterey Peninsula Artists books the Peas in the United States, while International Talent Booking books the group in Europe. David Haines oversees the group’s sound. Alan Thresher of World Coach handles transportation.

THE LICENSEES

The Peas and “Let’s Get It Started” were featured prominently in the ad campaign for the NBA playoffs.

“Hey Mama” was featured in a campaign for Apple Computer’s iPod. “Shut Up” was heard on a commercial for XM Satellite Radio. Previous sponsors include Dr Pepper and Levi’s.

The group owns its own merchandising company with road manager Pola Melina.

The catalog

The Peas’ previous albums, 1998’s “Behind the Front” and 2000’s “Bridging the Gap,” were released on Interscope Records through Universal Music & Video Distribution.

THE DIGITAL ASSISTANTS

The Peas use Palmone Tree 600 SmartPhone/PDAs, Apple G4 Powerbooks and Apple iPod digital music players.

THE CHARITIES

For five years, the group has held an annual Pea Pod charity event, which has raised thousands of dollars for Five Acres Children’s Home in Los Angeles.

Rolling On

A year after the release of “Elephunk” and four months after cracking the 1 million mark, the Black Eyed Peas are doing anything but resting on their platinum laurels.

The Peas recently completed a European tour and has been recording its next album, “Monkey Business,” at London’s Metropolis Studios. In fact, during a phone interview with Billboard, William Adams (aka Will I Am) could be heard barking out instructions to studio assistants as the work-in-progress played back over studio monitors.

After performing shows in Japan late this month, the Peas return to the United States. Before hitting the road, the group heads to New York for an appearance Aug. 13 on “Good Morning America.”

The Peas will close out the summer with an appearance at the San Diego Street Scene (Aug. 27) and a pair of dates—Aug. 28-29—for the Dave Matthews Band at the Home Depot Center in Carson, Calif.”

The band is expected to release “Monkey Business” in November, then headline a U.S. tour. Also on tap is a solo album from Stacy Ferguson (aka Fergie), produced by Adams and due next summer, Ferguson expects to debut her new material during the Peas’ winter tour.

Peas

Continued from page 15

In keeping the Peas on the boil, Jimmy Iovine kept his promise, the band members say.

“I remember when we first signed to Interscope,” says William Adams (aka Will I Am), who founded the Peas with Allen Pineda (aka Apl.de.Ap) and Jaime Gomez (aka Taboo). Another major label offered the band “tons of money,” recalls Adams, but with no guarantee of a chance at long-term development. “There was a bidding war and Jimmy Iovine said, ‘With me, you’ll always be able to make records.’ He just had his word.”

Iovine’s faith paid off big time. But it didn’t happen overnight. The Peas’ breakthrough came with perseverance, hard work, connections and a series of coincidences.

Despite Iovine’s support, the band had little A&R guidance during the recording of its first two albums. In 2001, however, it gained another important supporter when veteran producer A&R executive Ron Fair became president of A&M Records. A&M had moved under the Interscope umbrella following the consolidation of the Universal Music Group.

Fair first worked with the Peas on “Magic,” the group’s reworking of the Police’s “Every Little Thing She Does Is Magic,” which was featured on 2001’s “Legally Blonde” soundtrack.

With Fair’s guidance, the group began working on a third album. During early sessions, female vocalist Stacy Ferguson (aka Fergie) was tapped to sing on the track “Shut Up.”

The band met Ferguson in 2001 at a mulitcast radio show in Minneapolis—at the time she was a member of female trio Wild Orchid. “She was talking about leaving the group, and she wanted someone to produce her,” Adams recalls.

Months later, when Adams was looking for a female voice for “Shut Up,” a friend suggested Ferguson. Adams, however, wasn’t convinced she was the right singer for the song.

“I never listened to Wild Orchid, but my friend said she could sing her ass off,” he recalls. “When she came in, I was like, ‘Whatever.’ But when she started singing, it was natural. We did the song in 30 minutes.”

BAD LUCK, BAD HAIR

By coincidence, Fair knew of Ferguson; he was executive producer on Wild Orchid’s two RCA albums. “Wild Orchid was the greatest white chick harmony band of all time, but they got caught in the backdraft of bad luck and bad hair,” Fair says.

During Christmas-week sessions in 2001, three months after the Sept. 11 terrorist attacks, the Peas began work on the song that became their signature hit. On Dec. 26, “Where Is the Love?” was born.

Recording continued into 2002. Gomez had befriended ‘N Sync member Justin Timberlake, who was then finishing work on his solo album.

“Taboo [played the song] to [Timberlake] over the phone, and he came in the studio the next week and recorded [additional lyrics],” Adams says. Once the track was completed, management and representatives from the band’s label agreed “Where Is the Love?” was a smash.

But then Timberlake’s label, Jive Records, expressed concern about the track competing with the singer’s solo album. Negotiations were needed to allow “Where Is the Love?” (featuring Tim- berlake) to be the first single from “Elephunk.”

“We had to work out all kinds of things contractually,” says DAS Communications president David Sonenberg, who co-manages the Peas with Seth Friedman. “That was a difficult thing to accompli-sh, but we had a lot of help from Interscope.”

Timberlake’s credit also became an issue. “They gave us the right to put [his name] on our record and [release] the single, but Justin was not in the video and we weren’t making reference” (Continued on page 18)
Das Communications is

BEHIND THE PEAS

Featuring David Sonenberg as Taboo, Seth Friedman as Apl.de.ap, Ant Demby as William, and introducing Rachel Cox as Fergie.

Based on the concept: "Well, do whatever it takes (even take the stage) to make shit happen.

Associate Producers: Polo "Can't Punk Me" Molina, Scott "Don't Sleep" Meszaros, and William "2" Deella. A Cicloos production.

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Some material may be inappropriate for children under 13. Crude and sexual humor, language, and drug content.

Almost 6 million sold.
Peas
Continued from page 16

to him in advertising because [we] didn’t want to dilute what was happening with Justin’s record,” Sonenberg says.

But a hit changes everything. “Then everybody relaxed the legal requirements, nobody was damaged and he got credited appropriately,” Sonenberg says.

By now, Ferguson had become a full-time member of the group, adding a female voice, personality and sex appeal previously supplied on the Peas’ prior releases by such guests as Macy Gray, Esthero and Kim Hill.

READY TO TOUR
With “Elephunk” set for release in June 2003 and the revamped foursome ready to hit the road, the band and its label faced the challenge of gaining exposure for an album primed for success.

Again, fate and connections helped. Fair had worked during his tenure at RCA with Christina Aguilera, who was co-headlining a major summer tour with Timberlake.

Fair campaigned heavily and was able to land the Peas on the Justified and Stripped tour as the opening act.

But when the Peas joined the tour, tickets had already been printed, without their name. Fair saw the oversight as good fortune. “If our name was on the ticket,” Fair says, “most people would go, ‘Black Eyed Peas? Who are they? Never heard of them.’ They might not have gotten there until 8 p.m. and would have missed our set. Because we were not on the ticket, we were seen by 500,000 people at a very critical time.”

On June 4, 2003, during the opening show on the tour in Phoenix, co-manager Seth Friedman realized the Peas had truly arrived.

“They closed their set with ‘Where Is the Love?’ The place was 99% full, and when they started playing the song, seeing the reaction and hearing the fans sing along was something I’d never seen with this band before,” Friedman says. “That’s when I knew that this really was going to happen.”

With the buzz from the tour and interest in the band growing overseas, U.S. radio programmers began to take notice.

RADIO REACTS
Prior to “Where Is the Love?” the Peas had a hard time at radio. “They were never accepted at a format,” Sonenberg says. “Urban didn’t really consider them urban. Pop considered them urban. Nobody would adopt them because they are pretty eclectic.”

MTV, which had given the group support prior to “Elephunk,” once again joined the party by airing the video for “Where Is the Love?” By August, the song had reached No. 1 on the Mainstream Top 40 and Top 40 Tracks airplay charts.

In addition to the road, radio and video support, the Peas licensed their music to commercials to secure additional exposure, as well as income.

Although “Shut Up,” the second single from “Elephunk,” didn’t fare as well in the United States as it did in other territories, the band found success with other tracks.

In late 2003, “Hey Mama,” which would go on to become the third single from “Elephunk,” was featured in an ad campaign for Apple Computer’s iPod.

In June, three months after “Elephunk” went platinum, A&M released a new version of the album containing the track “Let’s Get It Started.” The song, a revised version of the group’s “Let’s Get Retarded,” was picked by ESPN and the NBA to be the official theme of the NBA playoffs and finals.

Following the rerelease, “Elephunk” climbed the charts again—returning to the top 15 of The Billboard 200 in late June.

Black Eyed Worldwide

BY PAUL SEXTON

“Elephunk” has truly stomped around the world. While the album has sold 1.4 million copies in the United States, total sales worldwide have topped 6 million, according to Universal Music International.

Leading the international charge is the United Kingdom, where sales have matched those in the States. “Elephunk” has sold more than 400,000 units in Germany, 300,000 in Australia, 200,000 in Japan and 100,000 in Italy, UMI reports. It has earned local platinum awards throughout Asia, where certification levels range from 15,000 units to 100,000 units.

The album’s success reflects the focus of the Black Eyed Peas on international markets and the efforts of UMI, which distributes the album outside the United States.

The Peas have toured incredibly hard for the last couple of years, and by doing that they laid the foundation of their current worldwide success,” says Jurgen Grebner, UMI VP of marketing for Interscope Geffen A&M. “They have a great work ethic, and they’re 100% committed to international markets.”

That commitment predates “Elephunk.” The band set the stage for its global achievement during promotion for its 2000 album, “Bridging the Gap.” But Grebner acknowledges it was the presence of three undeniable crossover songs on “Elephunk”—“Shut Up,” “Hey Mama” and lead-off hit “Where Is the Love?”—that helped the Peas “embrace a more mainstream audience.”

He also cites TV appearances and performances by the act on the European and Asian MTV Awards and the Brit Awards as having an impact.

Larkin Business Management Congratulates the

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On your PLATINUM status and continuing worldwide success

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Cherry Lane congratulates The Black Eyed Peas on the world-wide multi-platinum success of Elephunk
Stadiums

**Continued from page 1**

Enjoying huge summer runs at North American stadiums.

This summer, not one act dares mount a U.S. stadium tour. In fact, the summer of 2004 is noteworthy for the number of acts that cannot fill considerably smaller amphitheaters.

**NOTABLE EXCEPTIONS**

Yes, there have been notable stadium shows recently. Bruce Springsteen played a handful of them last summer, including a record-setting 10-night show at Giants Stadium in East Rutherford, N.J.

But Springsteen’s handlers savvily declined to take his stadium show anywhere other than his prime markets.

Similarly, Metallica’s Summer Sanitarium tour played some 20 stadiums last year. However, the tour was propped up by a handful of the biggest names in hard rock.

In fact, the last full-blown stadium tour—one that plays stadiums in markets coast to coast—by a single act was N Sync’s Pop Odyssey tour in 2001.

N Sync’s 48 stadiums date that year took in more than $90 million, second only to U2 for the year.

Still, few are ready to write off this storied niche of the touring business.

“Stadium tours are not over,” says Chip Hooper, agent for such acts as Dave Matthews Band and Phish at Monterey Peninsula Artists.

“Stadium tours always need to happen at the right time, with the right act in the right place,” Hooper says. “Lately, there haven’t been many acts capable of or interested in playing stadiums, for a variety of reasons.”

“Capable of” may be the operative phrase here. The Rolling Stones have proved to be the only act that has been able to do a full run of stadiums during several tours. But, perhaps tellingly, on their 2002-2003 Licks tour, the Stones added arenas and theaters to the venue mix rather than put together a route of 40 stadiums in North America.

**WHY ACTS SHY FROM STADIUMS**

Besides the Stones, few acts have demonstrated the ambition or wherewithal to attempt such tours. The reasons why include popularity, economics and aesthetics.

“First of all, you have to know you can sell the tickets, no matter what size venue it is,” Hooper says. “In a stadium, that’s 45,000 tickets or more, and that’s a big undertaking.”

It is an undertaking only a very few acts can guarantee. “In order to do a stadium tour, you have to be of a certain level of popularity and a fan base that exceeds one single or one record,” says Brad Wavara, VP of touring for Clear Channel Entertainment.

“When N Sync did Pop Odyssey, they had already played theaters, amphitheaters and arenas,” says Wavara, who oversaw that tour.

Another major consideration is economics. A single stadium show is a big financial commitment: a complete tour up the ante exponentially.

“Given the economics of a stadium tour, you have to be willing to take that huge risk,” Wavara says.

“In today’s environment, often the smarter play is to do multiples in arenas or amphitheaters,” Wavara adds. “It costs in the neighborhood of $800,000 to produce a stadium show, where it’s more like $250,000-$300,000 to produce an arena show in the ‘A’ markets like Boston, Philadelphia and Washington, D.C.”

According to CCE president of touring Arthur Fogel, whose resume lists involvement with stadium tours by the Stones, Pink Floyd and U2, economics are always an issue.

“Certainly the financial equation in arenas has changed the approach,” Fogel says. “Higher ticket prices and lower production costs [in arenas] equal greater profit. And generally speaking, particularly an older demo, are prepared to pay the higher ticket price for the relative intimacy of an arena vs. a stadium.”

By way of comparison, the top rock concert of 1994 was a five-set stand by Joel and John at Giants Stadium that grossed almost $15 million and drew 293,339 people. Tickets were $46-$85, according to Billboard Boxscore.

In 2003, the same two artists grossed $13 million from six shows at Wachovia Center in Philadelphia that drew 112,248. Tickets ranged from $45 to $2,500 for VIP packages.

One can only assume that the arena shows were considerably cheaper to produce and that arena ticket prices have far outpaced inflation. It is doubtful that Joel/John’s core demographic today would pay nearly so much to see the duo in a stadium.

“You’re not going to be able to charge $100 for a seat in the back of the stadium,” says Peter Luukko, president of Comcast-Spectator Ventures and chairman of facility management firm Global Spectrum.

“Arena grosses are approaching stadium grosses, and the lower expenses can more than make up the difference,” he continues.

Luukko is also a former director of the L.A. Coliseum, which has hosted stadium shows by the likes of the Stones, Pink Floyd and the Who. He says stadiums clearly miss the concert business.

“Stadium shows have been a great, fun part of our business,” Luukko says. “For stadiums, the revenue is tremendous. Many of the newer stadiums were pro forma that they would do a couple of stadium shows a year, and [concerts] greatly enhance the suite experience.”

**WHO CAN DO IT?**

Dave Matthews Band is one of the handful of acts that have shown signs of stadium-level box office power.

The band consistently played stadiums at the turn of the millennium, of late DMB has opted to do multiples at arenas or amphitheaters rather than produce a stadium date.

Band manager Coran Capshaw tells Billboard the decision is based on a number of factors.

“There is a lot of stress that goes along with a stadium tour,” Capshaw says. “It was sort of taking a toll on everybody to gear up and do those stadiums. It’s a lot easier to go into an amphitheater and sit down for a couple of shows.”

“But,” Capshaw adds, “that’s not to say we’re not considering playing stadiums again.”

Aesthetics and presentation are definitely considerations, The Rolling Stones and Pink Floyd pioneered the type of stadium extravaganzas that typified mega-concerts in the ’80s and ’90s. Their shows featured sky-high stacks of amps, over-the-top light shows, giant inflatables and even jet flyers.

### IEG/BILLBOARD TOUR SPONSORSHIP ROUNDPUP

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### Dealsmakers

- Jive Records, which sponsored the tour and feature “Do That”.

**FOR THE RECORD**

The Top 25 Promoters chart in the July 24 issue presented midyear Billboard Boxscore results for the No. 2 promoter, AEG Live, without including figures from its subpromoters, which were broken out separately.

Including results from subpromoters the Messina Group, Goldenvoice and Concerts West, AEG achieved total grosses from all promotions of $17,633,864, total gross from solo promotions of $105,471,213 and total attendance of 2,405,877 at 374 shows with 235 sellouts. AEG remains the No. 2 promoter on the chart.

The change allows two other promoters to rank among the top 25: Atlanta World Touring at No. 24 and Canal Productions at No. 25.

Of course, there are plans for other events: a Phish concert at Wachovia (a launch last October of 50-inches and an act could do a date.

One of the most highly anticipated events on the tour is the “Above the Garden” concert, held at the Garden on July 20, which will feature a special performance by the band.

The tour also features a series of special events, including an academy awards show, a “Willie Nelson’s 75th Birthday Bash” and a “The Eagles’ Farewell Tour” special event.

Other events include a “Hollywood Bowl Music Festival” and a “Sanctuary” concert, which will be held on July 18 at the Hollywood Bowl in Los Angeles.

The tour will conclude on August 22 at 2:00 PM at the Hollywood Bowl in Los Angeles.

**THE EUROPEAN DIFFERENCE**

Still, stadium tours remain relatively commonplace in Europe. Most summer tours range from Springsteen to Bon Jovi mounted successful stadium runs there. Lower ticket prices and absence from the market help drive that success, those close to the tours say.

For now, no one seems ready to administer last rites to the stadium tour concept.

“I don’t believe they are gone forever,” Fogel says. “The Rolling Stones did a number of stadiums on their last tour, and there certainly are some acts that could still do them and do business.”

Others see a lack of stadium tours at just another industry phase.

“There have been only a few artists ever capable of playing stadiums at any given time in the past. I don’t think there is any trend [now],” says Peter Groschild, worldwide head of music for the William Morris Agency.

“I think it’s all cyclical,” Wavara adds. “Right now, somewhere, there is a defining band for a new phase of our musical evolution. We just need to wait that defining band for a coming generation.”
AEG Has Big Plans For L.A. Venues

Plans by Anschutz Entertainment Group for a billion-dollar, music-driven development in the shadow of Los Angeles' Staples Center will create a West Coast equivalent of Times Square, according to Randy Phillips, CEO of AEG Live. AEG developed and owns the 20,000-seat Staples Center.

In related AEG news, the company is also planning to build a new 20,000-seat arena in London, as well as a 2,000-seat theater and casino complex there, all surrounding the city's Millennium Dome.

BYE AGAIN: In one of the longest goodbyes in music history, Cher is preparing yet another North American leg for her Farewell tour. Cher will begin a run of 34 shows July 23 at the Pechanga Saddledome in Calgary, Alberta. This leg, like the previous North American dates, is produced by Clear Channel Entertainment under the direction of CEC touring VP Brad Warrn.

The tour, now going on three years, initially was to end last Halloween. So far it has grossed $45 million and drawn 2.2 million fans, according to Billboard Boxscore, easily making it the top-grossing tour ever for a female artist. A European tour, promoted by Barrie Marshall's Marshall Arts, followed this year, wrapping July 4 in Monaco.

"She's having fun, that's all it boils down to," Warwara said. "And based on ticket sales, people aren't ready to say goodbye yet. She, her band, crew and Clear Channel are all having fun, so why stop?"

The plan includes several new concert venues, along with retail and restaurants, a theater multiplex, hotels, broadcast facilities, corporate offices, condominiums and other developments. AEG president/CEO Tim Leiweke announced the plan July 14 to an audience of nearly 200 L.A. business and political figures.

The new sports and entertainment district will be developed during an eight- to 10-year period, with construction on the first phase commencing by the end of this year or early 2005. As part of the plan, AEG announced a multifaceted naming-rights deal with mobile communications giant Nokia. Three major components of the plan include the 7,400-seat Nokia Theatre, the 40,000-square-foot Nokia Plaza and the 2,400-seat Club Nokia. In addition to the Nokia deal in L.A., Phillips says NextStage, AEG's live 6,333-seat theater in Grand Prairie, Texas, will now be known as the Nokia Theatre at Grand Prairie. Sources say the deal will extend to an as-yet-unnamed 2,100-seat theater project in the heart of New York. The venue, at 1515 Broadway in Times Square, is set to open in spring 2005.

Other facets of the development include an ESPN Zone sports bar/restaurant and an office tower hosting the corporate offices of the Lawry's foods company. A 1,200-room hotel will feature convention and business facilities adjacent to the L.A. Convention Center, and there are also plans for a 300-room high-end hotel.

Lewis Wolff will develop the hotels in partnership with Apollo Advisors and AEG. AEG says none of the city's general fund will be used to finance the hotel development.

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Soul At Home In Compilations

BY RASHAUN HALL

Virtually absent from mainstream radio, veteran and new R&B/soul acts are getting a boost from some new compilations (Billboard, May 29). Among the first are Vaughn Harper Presents Quiet Songs and “Soul Satisfaction.”

VLBS New York personality Vaughn Harper has been on the air with his program “The Quiet Storm” for more than 20 years. So it only makes sense that he would take that recipe for smooth, laid-back ballads to another medium.

The result is “Vaughn Harper Presents Quiet Songs” (LuAnn/Orpheus). Harper and Orpheus president Beau Huggins served as the collection’s executive producers.

LuAnn Entertainment chairman/CEO Bob Tate welcomed the chance to work with Harper. “I have a relationship with [brothers] Charles and Beau Huggins at Orpheus Distribution,” Tate says. “When Beau talked about the concept of putting together something like this with Vaughn and my new company, LuAnn Entertainment, I jumped at the opportunity. Vaughn is an icon who can bridge the gap between old and young.”

Harper selected the tracks for the set, including songs from Ray, Goodman & Brown, Conya Doss and Freddie Jackson.

“All I wanted to hear was good music,” Harper says. “It didn’t matter what type of music it was, as long as it was good. Obviously, a little bit of the Quiet Storm vibe was preferred, but other than that it just had to be good.”

While the compilation’s title obviously plays on the name of Harper’s signature show, he says that’s where the association ends. “Actually, the show didn’t play a role,” Harper says. “I just wanted to play songs that I liked. These are all artists that I like and wanted to support.”

LuAnn and Orpheus hope “Quiet Songs” makes some noise.

“Our expectations are to bring back people who listen to music—whether they’re 50, 60 or 18,” Tate says. “Project’s aim is to bring together music lovers. “We would like to do a minimum of three volumes per year,” Tate adds. “We also hope to integrate that with some of the other things that Vaughn will do to support it, like parties, shows and things of that nature. We would like ‘Quiet Songs’ and Vaughn Harper to be synonymous with the enjoyment of good music.”

GETTING ‘Soul Satisfaction’

Shanachie Entertainment jumps into the compilation mix Sept. 21 with “Soul Satisfaction.” Billed as “nu-soul” collection, the set features emerging buzz-makers (Hil St. Soul, Amp Fiddler), overlooked talent (Adriana Evans, Rosie Gaines, Olu) and high-profile artists (Tony Rich, Rachelle Ferrell, Ms. Nledge).

“My goal was to get two to three types of artists involved,” says Shanachie GM Randall Grass.

“Names who have sold records, those who have sold some records without a breakthrough hit and new artists whom people could discover.”

The challenge with such projects, Shanachie VP of sales and marketing Rick Rosenberg says, is understanding the project’s potential without over-spending. Discovery at retail is vital, so the “Soul” campaign will include listening stations, endcaps and sales pricing in the first three months. The compilation has a $7.98 list price. The label will also target college radio, neo-soul specialty shows on urban radio and syndicated satellite services.

“We want to appeal to fans first getting into this; [those] more willing to spend money to have music by 10-11 artists vs. just one artist,” Rosenberg adds. Grass has already sketched out a second compilation. “This whole realm of music would be great for business and music fans if it was more widely disseminated,” he says. “These artists are falling through the cracks.”

Additional reporting by Gail Mitchell in Los Angeles.

Artest Adds Allure To His Label

At a time when female R&B groups are few and far between, trio Allure is returning to the scene.

New York-raised childhood friends Alia Davis, Lilasha McLean and Akisha Mendoza are polishing “Chapter III,” their debut for Ron Artest’s Truwarier Records. Lightyear/WEA will distribute the set, which is slated for release Sept. 28.

Both Allure and Artest are well-known in their respective circles. Allure scored a No. 9 R&B/No. 4 pop hit in 1997 with “All Cried Out,” featuring 112. Artest plays for the Indiana Pacers and was named National Basketball Assn. defensive player of the year for 2003-2004.

“By the time I’m 30, I hope to be doing music full time,” the 24-year-old athlete says.

Artest, who also raps, grew up in New York’s Queensbridge housing project, home to Nas and Mobb Deep. He began writing and producing tracks four years ago while playing with the Chicago Bulls. “After games in Chicago, sometimes I would go to the studio for 10 hours,” he recalls.

Truwarier has a staff of 13 with offices in Connecticut. New York and Indiana, plus three studios. Additional divisions include publishing and management.

“Running a label is hard work,” Artest says. “People may say it takes away from my game. But when you can ask about my music, that’s like parties, shows and things of that nature. We would like ‘Quiet Songs’ and Vaughn Harper to be synonymous with the enjoyment of good music.”

“Names who have sold records, those who have sold some records without a breakthrough hit and new artists whom people could discover.”

The challenge with such projects, Shanachie VP of sales and marketing Rick Rosenberg says, is understanding the project’s potential without over-spend.

Artest exudes confidence in his musical venture. “I had a chance to get involved with investors, but I put my own money up. It’s a gamble, but I’m sure I’ll win.”

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‘Lean Back’ Into Summer Anthem

Speaking of Nate Dogg, the West Coast crooner teamed with Snoop Dogg and Warren G to form 213 several years ago. The trio makes its highly anticipated TTVT Records debut Aug. 17 with “The Hard Way.” The supergroup kicked things off with lead single “Groupie Luv.”

New York rap legends the Beats return Aug. 31 with “Mill Mix.” The Queens, N.Y., duo of Psycho Les and Yanki Juju produced the album, which marks their Penalty Recordings debut. The set features appearances from ATM, Freeway, Beanie Sigel and Greg Nice, among others.

HERE & THERE: Special thanks to WEDR (99 Jamz) Miami’s DJ Irie and his team, Ivery and Millie, for showing me love when I was in Miami last weekend for his birthday party. Irie, who DJs for Heineken and the Miami Heat, hosted a red hot pool party at Teasers Hotel that was followed by an all-night bash at Opium Miami. Irie will be among those making an appearance at the 2004 Billboard R&B/Hip-Hop Awards. The ceremony will take place Aug. 6 at 150 One Barton G in Miami Beach.

Others scheduled to appear include Bone Crusher, Tymura Gray, Brian McKnight, Pitbull, Lil Scrappy, Oowee, 4ma and Fuse VJ Marilena Peryera. Icons Isaac Hayes and KRS-One will receive the R&B and hip-hop Founders Awards, respectively. Free of BET’s “106 & Park” and syndicated radio personality Russ Parr of “The Russ Parr Morning Show” will co-host the event.
**Los Temerarios Reaching Mainstream**

**By Leila Cobo**

Los Temerarios may be a difficult name for non-Spanish speakers to pronounce. But when people find out just how much the Mexican romantic group sells, the name is easily remembered.

Since 1993, the year they debuted on the Billboard charts, Los Temerarios have placed 20 titles on the Top Latin Albums chart. Of these, a startling six titles have hit No. 1. The group’s current album, “Veinte” (Fonovisa), was No. 1 for two consecutive weeks before slipping to No. 2 this issue.

But, in a departure for the group, they have remained at No. 1 on the Billboard Hot Latin Tracks chart for the second consecutive week with “Qué de Raro Tiene.”

The track is the first single from “Veinte,” Los Temerarios’ first all-ranchera album, which is also its first set of nothing but covers, except for “Caminando Voy.”

That the group has topped the charts by stepping outside of its usual style and not having any promotion besides radio is a testament to its enduring popularity in the regional Mexican market and the larger Latin market. “They are the only romantic group that has maintained its popularity through the years. They’re the only ones who have survived,” says Maria Nava, operations manager/programming director for Spanish Broadcast System in Los Angeles. “The gypsy romanticism has come and gone, but their music is still fresh.”

As Nava points out, Los Temerarios, led by brothers Gustavo and Adolfo Angel, are a romantic group (or group) that mostly plays ballads arranged for synthesizer, guitar, bass and drums. Their trademark sound is based on Adolfo’s plaintive love songs and Gustavo’s sweet tenor.

“They are a very consistent band, musically speaking,” says José Behar, president/CEO of Univision Music Group, which includes Fonovisa. “As artists, they’re organized, serious and responsible. They’re two very talented guys, who are joined at the hip.”

Los Temerarios is the fifth-bestselling Latin act so far this year, according to Nielsen SoundScan, ahead of such mainstream names as Thalía and Paulina Rubio.

Their last album, “Tributo al Amor,” has sold 142,000 copies since its late-2003 release, according to SoundScan. However, Fonovisa says the actual sales numbers is higher, because the album is sold through a number of nontraditional outlets that SoundScan does not track.

**TAKING CHANCES**

Adolfo says “Veinte” (in honor of their 27th anniversary) was a risky album. “The songs aren’t mine, and people are used to hearing my songs,” says Adolfo, who is Los Temerarios’ main songwriter, producer and arranger. “And these are ranchera songs. It doesn’t have much to do with what we’ve done in the past.”

Instead of going the obvious route of picking widely known standards, Adolfo chose songs that were hits during his childhood. They include Cornelio Reyna’s “Idos de la Mente,” with a guest vocal appearance by Reyna, and Vicente Fernandez’s “Las Llaves de Mi Alma,” with Fernandez speaking in the song.

And Adolfo is the first to recognize this, even though the group has already made forays into a wider pop realm.

“We reach a Mexican audience 90% of the time, and we’re happy about it,” he says. Doing a full pop album, he adds, is not part of the group’s immediate plans, “but it will happen in due time.”

Already, the fact that Los Temerarios are able to reach No. 1 on Hot Latin Tracks is evidence that their sound satisfies a more mainstream audience, as it is difficult to top the chart without airplay on major East Coast pop stations.

To achieve that goal, “Qué de Raro Tiene” was recorded in ranchera, bolero/romance and pop versions. Rudy Perez produced the pop treatment.

But despite the sales, the airplay and the recognition in the Latin world, Los Temerarios still fly mostly under the radar of the mainstream.

Their current U.S. tour of 40-plus dates, for example, is booked through their own offices and with independent promoters. They do not have any major sponsors, even though their shows at arenas, convention centers, fairs/garage sales and venues like Los Angeles’ Universal Amphitheater routinely sell out. The same goes for Mexico, where initial shipments for “Veinte” were 250,000 copies, according to Fonovisa.

“Corporations aren’t used to giving major sponsorships to regional Mexican music,” Adolfo says. “Americans are a little disconnected, and they don’t take regional Mexican music into account. And we’re not too worried about it.”

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**Who’s The Best New Artist?**

It’s voting time for the Latin Grammy Awards. Do you know the candidates for best new artist? You may know some, but our bet is you don’t know them all. They range from super-sellers like Alwíd and Maria Rita to radio superstars like Obie Bermúdez to virtual unknowns like Mauricio & Paleoguaya and Superlito.

The following is a primer on the acts nominated for best new artist, which is the most important category in the Latin Grammys. The nominees are listed in alphabetical order.

**AKWID:** U.S. audiences are now familiar with brothers Sergio and Francisco Gomez, aka Alwíd, whose sophomore album, “Romp 104.9 Radio Compa” (Univision) is No. 5 on the Billboard Top Latin Albums chart.

The Los Angeles-based duo was the best-selling new Latin act in the United States last year, according to Nielsen SoundScan. But in many territories, Alwíd’s sound is still unknown. For the uninhibited, the brothers rap over traditional banda instrumentation and other classic Latin rhythms, blending old and new. Alwíd’s debut, “Proyecto Alwíd,” ushered in a new wave of music known as urban/regional.

**OBIE BERMÚDEZ:** Another familiar name to audiences is Obie Bermudez, whose current album, “Confesiones” (EMI Latin), is actually his second. His debut was released years ago on BMG U.S. Latin but received little exposure.

A singer/songwriter who blends tropical, pop and rock influences, Bermúdez sings about his own experiences, from the very personal to the more mundane. “Confesiones,” a heartfelt, acoustic-based album, was successful on U.S. radio, where it had a handful of hits, including chart-toppers “Me Cansé de Ti” and “Antes.”

**MARIA RITA:** Latin music is peppered with stories of children following in their parents’ footsteps. One such tale involves Maria Rita. The daughter of the late Elvis Regnano—widely considered to have been the best female Brazilian singer of all time—and pianist Cesar Camargo Mariano, Rita released her self-titled debut album last September. Out on Warner, it became Brazil’s top-selling title of 2003.

Like her mother, Rita sings compositions by new Brazilian composers. Her acoustic-based renditions are understated but lovely. “Maria Rita” was recently released in the United States.

**MAURICIO & PALEGUA:** We first heard about Mauricio & Paleoguaya from EMI Colombia, which is heralding the group as the next big (Continued on page 33)
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August 24
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Los Angeles, CA
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San Diego, CA
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Denver, CO
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Latin Notas

Continued from page 29

thing to come out of a country known for stellar a&l. Mauricio is lead singer/guitarist Jose Rodriguez. Palodeagua is his band, which plays a mix of rock, pop and traditional Colombian rhythms reminiscent of Carlos Vives. Equally appealing to young and adult listeners, the act has become successful inside Colombia, and it is building a Latin American following thanks to support from the region’s video channels.

SUPERLITIO: Superludio is nominated on the strength of “Trippeing Tropicana,” out on California-based Cello Music Group (distributed by BMG). But this sextet from Cali, Colombia, has been together since 1996, and it released its first album independently in 1998. The group’s music blends rock, hip-hop, jazz, electronica and funk with traditional Colombian rhythms.

Superludio’s members sing in English and Spanish and even some French, so their recording and promotion has steered more toward college radio. The group is now based in the United States and is being worked in this market.

IN BRIEF: The annual MTV Video Music Awards Latin America will take place Oct. 21 at the Jackie Gleason Theater in Miami Beach. The venue has been the awards’ home since their inception three years ago. For 13 years, Radikal Records has been making its presence known on the Billboard Hot Dance Club Play chart. But in this issue, the team’s N.J.-based, Navarro-distributed label does what it has never been able to do before: It lands its first No. 1 on the chart with “Let the Sun Shine” by Milk & Sugar Featuring Lizzy Patterson. Now, if you find yourself shaking your head in disbelief, you are not alone. After all, Radikal has released such club hits as 2 Unlimited’s “Twilight Zone,” Junior Jack’s “My Feeling,” “Apotithes” and “Oct Fontuna.” ATB’s “9PM (Till I Come)” and Sined A’Connor’s “Troy (The Phoenix From The Flame)”

Incredibly enough, as popular as these top 10 jams were, none of them were able to reach the top of the chart. Conversely, several Radikal releases— including 2 Unlimited’s “No Limit,” “Babie Bumps” “I Got This Feeling,” “Zombie Nation’s “Kernkraft 400” and Opera Trance Featuring Emma Shappin’s “Spente le Stelle”—became crossover radio hits without ever cracking the chart’s top 20. That said, we are confident that “Let the Sun Shine” —inspired by “Let the Sunshine In” from the Broadway musical “Hair”—will soon become a favorite at radio.

Simply put, the song’s buoyant, Latin-tinged rhythms—conected by Germany’s Michael “Milk” Kronenberg and the song’s producer, Steven “Sugar” Haring—coupled with Patterson’s enticing vocals are too potent to ignore. A track like this is designed for maximum summer exposure. Let the sun shine, indeed.

According to Radikal president Jurgen Kordutesch, the in-demand Bass Bumpers remix of “Let the Sun Shine” —along with the Alex Morph remixes of ATB’s “Marakech” and “This is Entertainment” by Voodoo & Serano—will be released early next month on a 12-inch vinyl EP.

“It’s the first time these tracks will be available on vinyl,” Kordutesch says. “It’s something special for the DJs. Some bang for the buck.”

Staying with Radikal for one more minute, the label has scheduled an Aug. 24 release for ATB’s new album, “No Silence.”

With this album, ATB (Andre Tanneberger) continues to grow and evolve as an artist. His songwriting skills continue to impress. Of the 13 tracks here, 11 are full-on songs, with Tiff Lacey, Madelin Zero, Ken Harrison and others supplying the emotional vocals.

On a few tracks (“The Autumn Leaves,” “Sun Gone Down,” “Wait for Your Heart”), ATB goes against type, eschewing signature, peak-hour trance-pop styilings (next single “Roads” for example) for chilled-out moments of downtempo bliss.

By the way, ATB recently completely produced its first outside project: “Perfect Day to Lose You” for Flo (whose fine voice graced Cire’s recent photo jam “Destoy She Said”). The song appears on Zep’s debut album, which is being readied for an October release.

TEARS: After six years, the off-Broadway show “De La Guarda” will close Sept. 12. Those who have experienced the fensive “De La Guarda” know that its propulsive, in-your-face dance rhythms are as essential as water in the production.

As it did last summer, the cast of “De La Guarda” is welcoming a DJ into the mix on a weekly basis (“De La Guarda Presents DJ Connection”). Upcoming guest DJs include Hex Hector (July 24), Fadboy Slim (July 30), for Teo (July 31) and Tracy Young (Aug. 5).
### HOT DANCE SINGLES SALES

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### TOP ELECTRONIC ALBUMS

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**Disclaimer:** The information provided is a snapshot of the Billboard charts for the week ending July 31, 2004. It includes the top dance singles and dance club plays, as well as top dance albums. The charts are compiled by Nielsen SoundScan and reflect sales and airplay data. For more detailed information, please refer to the official Billboard website.
Country Vets Get That Ol’ Time Religion

By Deborah Evans Price

NASHVILLE—Randy Travis and Billy Ray Cyrus are among the country artists who have added a new dimension to their careers with successful gospel albums. Now several veteran country acts are serving up their musical contributions to the country gospel trend.

Bill Anderson, the Kendalls, John Conlee, David Frizzell and Brenda Lee are among those who have just released or are planning to issue gospel CDs. In addition, Willie Nelson and his sister, Bobbie, have recorded “Farther Along: A Gospel Collection” for Sugar Hill.

“Country gospel has just turned into a great category for us,” says Dave Roy, senior VP of product development for Madyac Entertainment Group, which is representing the Andersons, Kendalls, Frizzell and Lee projects.

The albums are being worked to the country and Christian music markets. Roy says both country fans and gospel music lovers are receptive buyers.

“Our target audience is the Wal-Mart shopper,” he says. “We do so much business with the mass merchants like Wal-Mart, Kmart and Target. This is all-American music. These are great gospel songs by great country legends.”

Anderson first released his gospel collection, “Softly and Tenderly,” June 1 on his own TWI Records. The project has now been licensed to both Madyac and Curb. Jack Jackson at Anderson’s publisher, Sony/ATV Tree, is licensing the album on a nonexclusive basis.

For the veteran Grand Ole Opry star, this marks his second foray into Christian music. The first was an album for Decca decades ago.

“This is really the first full-blown gospel album I’ve done since back in the ’80s,” Anderson says. “I was going to go into the studio last winter to do a new country record, and Jack Jack came to me and said, ’We’ve got quite a few calls out in the marketplace for some country gospel.’”

So Anderson recorded some of his favorites. In addition to his original tune “I Can Do Nothing Alone,” the 11-song album includes such classics as “Will the Circle Be Unbroken,” “Love Lifted Me,” “I Saw the Light” and “Life’s Railway to Heaven.”

“Our objective when we went in was to take each one of those songs and do them in a way that neither one of us had ever heard them done before,” Anderson says of how he and co-producer Mike Tompkins worked on the album.

Anderson says he enjoys contemporary Christian music and modern praise and worship, which are used in today’s church services, but he has a particular affinity for classic gospel tunes. It is hoping to reacquaint people with them.

“They don’t sing these anymore in a lot of the churches,” he says. “They are so into a lot of the new stuff, and they don’t go back and dig out these old chestnuts anymore. That’s another reason I wanted to do them.”

Enjoying Artistic Freedom

In addition to reintroducing audiences to near-forgotten gospel gems, many veteran country acts are releasing gospel projects because they finally feel free to do them.

Often when an artist is at the height of their career, major labels aren’t interested in letting them record a gospel album. So most have to wait until later in their career when they have more artistic freedom to record such projects.

“It’s a long time dream, and it’s exciting to get to scratch that itch, so to speak, with this album. I have wanted to do one for at least for 10 or 12 years,” Conlee says of his 15-song CD, “Turn Your Eyes Upon Jesus.” It is due this fall on his own CRCR label, which is distributed by Nashville-based CBUI Distribution.

“I worked up a version of ‘Amazing Grace’ and started doing it in the show several years ago, kind of testing the waters,” Conlee says. “It got such great response that it encouraged the desire I had to do a gospel album.”

The album will include standards like “The Old Rugged Cross” and “Amazing Grace” alongside such newer fare as “They Also Serve.”

Kendall, who is working on another solo album for Rounder, says she and her father would include gospel songs in their shows. She feels that country and gospel audiences overlap considerably.

“Through the years we had so many requests from fans to do a gospel album,” she says. “We thought [that] even if we didn’t have it out as a regular release, we wanted to have it available at shows.”

The Kendalls album features 21 gospel classics, among them “This World Is Not My Home,” “The Wayfarer’s Stranger,” “The Old Rugged Cross” and “Just a Little Talk With Jesus.”

The album was released May 25. Roy says it has been a slow but steady seller, and he expects sales to pick up when several promotions kick in.

Roy says there are a variety of avenues for marketing country gospel product. “We’re mailing to gospel radio,” he says. “When I started doing my research, there are a lot more country gospel radio stations than I was even aware of.”

Media also helps drive these projects. Kendall will make an appearance on the Great American Country show “Classic Country With Bill Cody.” Plus, Country Weekly and other consumer magazines generally support new projects by classic country acts.

“The way you’re going to see a lot of projects from classic country artists from us over the next several years,” Roy says. “It’s just an ongoing area that we know there’s a huge market for.”

Study Has Good News For Radio Industry

There’s plenty of good news for the country format in radio reports from Intermedia’s latest Qualitative Profile Reports.

For one thing, the format reaches 45.5 million adults each week, representing 22% of the adult population in the United States. The study also found that country remains the most-programmed format in the nation by a huge margin.

Citing figures obtained from M Street, the Intermedia study found that of the approximately 10,000 commercial radio stations in the United States, about 20% (2,088 stations) are country. The closest competitor, news/talk, has 1,224 stations.

Among the study’s other findings, 61% of country listeners are in the 25-54 demographic and 65% are in the 18-49 demo. The median age for a country listener is 43 years.

Proving that country is the nation’s reputation as a rural format is long-outdated, the study found that 66% of country listeners live in metropolitan areas—24% in cities and 42% in the suburbs.

The majority of country listeners (44%) live in the South, followed by 28% in the Midwest and 18% in the West. Just 10% of country fans live in the Northeast.

Signings: Jo Dee Messina has signed with Dreamcatcher Artist Management in Nashville. She recently parted ways with her longtime manager, Stuart Dill of Refugee Management. Dreamcatcher also represents Kenny Rogers and Rebecca Lynn Howard.

Meanwhile, Dill has partnered with New York-based manager Randy Hoffman of Hoffman Entertainment to jointly represent new Epic artist and second-season “Nashville Star” winner Brad Cotter.

In addition, Hoffman has signed as the manager of John Mellencamp. His other clients include Heather Headley, CKY and Aaron Brotherton. Dill manages Rodney Crowell and co-manages Crowell’s group, the Notorious Cherry Bombs.

Cotter, whose debut album “Patient Man” recently debuted at No. 4 on the Top Country Albums chart, tells Billboard he took notice of Hoffman when he was managing Mercury country artist James Otto. “I just thought he would be a good match.”

In other news, Janie Fricke has signed with Florida-based indie DM Records. Her first album for the label, which will feature bluegrass versions of her hits, is due Aug. 17. Fricke was the Country Music Assn. female vocalist of the year in 1982 and 1983. She had a string of hits on Columbia from 1977 until the late ’80s, including nine No. 1 singles.

Shooter Jennings, the son of Jessi Colter and the late Waylon Jennings, has signed with Universal South Records. His self-produced debut for the label is due in March 2005.

On the Row: Warner Bros. Nashville GM Verni Yglesias is out after nearly 20 years with the company. The move comes on the heels of president Jim Ed Norman’s departure in June. That means the label’s Nashville division will now report directly to Burbank-based Warner Bros. chairman/CEO Tom Whalley.

Nashville staffers were told in a meeting that no more cuts were expected.

Sawyer Brown has left Lyric Street Records—without having released an album—along with Kevin Denney and Deric Ruttan. The band signed with Lyric Street in January 2003, after a long run with Curb Records.

Industry veteran Nina Rossman joins indie label Gulf Coast Records as national director of promotion. The one-time VP of promotion for Magatone Records, Rossman has been publishing the Conference Call Newsletter since 1997.

Arista Nashville promotion coordinator Matt Gavin has been promoted to West Coast national manager for sister label RCA Records. Gavin, who starts his new duties Aug. 2, will be based in Phoenix.

Additional reporting by Ken Tucker in Nashville.
### Top Country Albums

**Data compiled by: Nielsen SoundScan**

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**Greatest Gainer**

Shania Twain

**Top Country Catalog Albums**

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<td>KENNY CHESNEY</td>
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<td>BRAD PAISLEY</td>
<td>Mud On The Tires</td>
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**Greatest Hits**

- LONESTAR: From Here To Here: Greatest Hits
- REBA MCENTIRE: Room To Breathe
- TOBY KEITH: The Best Of Toby Keith: 20th Century Masters
- EMERSON DRIVE: Letters From Home
- VARIOUS ARTISTS: Greatest Hits Collection, Volume 1
- JOSH GRACIN: A Few Questions

**Available**

- Most tape prices, 2004
- Catalog albums are boxed sets, double albums, or reissues

**Sales**

- For April 24, 2004, the latest available date for this week. Catalog albums are available as of April 2004 on Billboard and Billboard ChartBase.

**Chart Data**

- Billboard, a division of Nielsen Business Media, Inc. and Nielsen SoundScan, Inc. All rights reserved.

**More Info**


- Sales data compiled by Nielsen SoundScan.
**Billboard® HOT COUNTRY™ SINGLES & TRACKS**

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<td>Tracy Lawrence</td>
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<td>Awful, Beautiful Life</td>
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<td>Gary Bollinger</td>
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<td>Clay Walker</td>
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<td>The Lord Loves the Drinkin' Man</td>
<td>Mark Chesnutt</td>
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**Billboard® HOT COUNTRY™ SINGLES SALES**

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<tr>
<th>Date</th>
<th>Title</th>
<th>Artist</th>
<th>IMPRINT &amp; NUMBER/DISTRIBUTING LABEL</th>
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<tr>
<td>July 31, 2004</td>
<td>I'm Your Girl</td>
<td>Jamey Johnson</td>
<td>EMI WINDSPINNER RECORDS</td>
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<tr>
<td>July 31, 2004</td>
<td>Too Much on My Mind</td>
<td>Keith Whitley</td>
<td>THE LADIES AT THE LAKE</td>
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<tr>
<td>July 31, 2004</td>
<td>That's Alright</td>
<td>Charlie Daniels</td>
<td>BNA BNA RECORDS</td>
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**Billboard® TOP BLUEGRASS ALBUMS™**

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<tr>
<th>Week</th>
<th>Title</th>
<th>Artist</th>
<th>IMPRINT &amp; NUMBER/DISTRIBUTING LABEL</th>
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<td>Week 19</td>
<td>Greatest Bluegrass Hits &amp; Songs of the 50s</td>
<td>Various Artists</td>
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<tr>
<td>Week 20</td>
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<td>Various Artists</td>
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<tr>
<td>Week 21</td>
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<td>Bluegrass From the Heart</td>
<td>Various Artists</td>
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**Billboard® COUNTRY BREAKOUTS™**

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<tr>
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<th>Label</th>
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<td>You're Gonna Miss Me When I'm Gone</td>
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<td>Chattanoogie Man</td>
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<td>I'm Your Girl</td>
<td>Jamey Johnson</td>
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<tr>
<td>Too Much on My Mind</td>
<td>Keith Whitley</td>
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<td>THE LADIES AT THE LAKE</td>
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<tr>
<td>That's Alright</td>
<td>Charlie Daniels</td>
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<td>BNA</td>
<td>July 31, 2004</td>
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</table>
ALBUMS

NEW & NOTEWORTHY

MARA MENA
White Turns Blue
PRODUCER: Avid Solvang
Columbia CK 92557
RELEASE DATE: July 20
Norwegian singer/songwriter Maria Mena launched her career in the United States earlier this summer with the potent “You’re The Only One.” Equal parts Michelle Branch and Alannis Morisette, the single peaked at No. 25 on the Top 40 Mainstream chart and sold enough copies to reach No. 15 on Hot 100 Singles Sales. The track is one of many high points on Mena’s U.S. debut album, “White Turns Blue.” The songs flit between buoyant, guitar-laden pop and heartfelt ballads. Throughout, confessional lyrics tug at the heart and soul. The spirited “(Freel)It’s You” finds the artist dealing with the overwhelming pain that comes after heartbreak. On the too precious “Sorry,” Mena loses control, singing “I’ll sing something that smells like rain” on “Take You With Me.” Here, she is ready to take on the world. We have no doubt she’ll do just that. —MP

POP

THE HIVES
Tyroliansaurus Hives
PRODUCERS: the Hives
INTERVIEW: 808-205-6756
RELEASE DATE: July 20
Hives frontman Howlin’ Pelle Almqist has described the Swedish quintet’s new album as “Devo meets Motown.” He’s not far off in his character—ization—at least with the Devo comparison. The most notable difference between this album and the band’s namesake vocalist had been infused with a more mod, angular sound (“Walk Idiot Walk,” “A Little More for Little You”). The shift in direction comes at the songs’ heels. The progessive band that helped give rise to the best moments of “Venin,” including the hit “Hate to Say I Told You So.” However, listeners gain a more nuanced effort that plays better as a headphones record. “Diabetic Scabies,” with its string flourishes, is the most ambitious and serious song the notorious party rockers have ever done—and clearly an outstanding song writing appreciation of studio polish. —BG

FATALITY
No Roots
PRODUCERS: Role, Sister Bliss
CREATIVE ARTIST: 828-766-6349
RELEASE DATE: July 20
“No Roots” has given U.K. trio Fatality its first No. 1 album debut in its home country. With the statewide arrival of “No Roots,” the threesome’s (Sister Bliss, Rollo Armstrong and Maxji) may at long last get its due in America, where its superlative status does not extend beyond the dance/electronic scene. Already, MTV and several modern rock stations—including KROQ Los Angeles and

WHIPS Baltimore—have embraced the set’s lead single, the politically charged “Mass Destruction.” A seamless journey, the soaring “No Roots” is political and spiritual, with jazz—and guest vocalists LSK and Armstrong’s sister, Dido—taking in a look at the current state of the world. The music and lyrics are as chilling as they are beautiful, as thoughtful as they are thought-provoking. In the end, Fatality, love is all that matters. —MP

SCISSOR SISTERS
Scissor Sisters
PRODUCERS: Scissor Sisters
UNIVERSAL: 800-27722
RELEASE DATE: July 27
The Scissor Sisters’ self-titled disc is one of the most exciting and electric debuts to come along in ages. It’s no wonder that, in the United Kingdom, “Scissor Sisters” has spawned three top 10 singles and is threatening to outstrip its debut album, backed by the Official U.K. Chart No. 1 singles of the year. The mixed-gender band, which hails from New York, dabbles in stomping, growled rock, melancholy ballads, minimalist dance and sexed-up funk workouts. The instantly catchy lead single, “Take Your Mama,” which is making inroads at radio and video outlets, is a feel-good anthem. A sparse disco cover of Pink Floyd’s “Comfortably Numb” has broken in a hit on trend-setting dancefloors, while the rolling “Music Is The Victim” sounds like an outtake from a classic Elton John album. The Sisters also excel at powerful ballads: witness the haunting “It Can’t Come Quickly Enough” and the epic closer “Return to Oz.” —RC

WORLD

OMARA PORTUANDO
Flor de Amor
World Circuit/Nonesuch 79811
PRODUCERS: Nick Gold, Jerry Boys
RELEASE DATE: July 27
Omara Portuando, the 73-year-old Cuban chanteuse best-known for her appearances with the Buena Vista Social Club over a 10-year period, makes her turn in Win Wenders’ film of the same name, steps out on her own for a second time. As a younger performer, Portuando infused her music with a Brazilian lift; in “Flor de Amor,” she pays subtle homage by pairing Cuban musicians with Brazilian players. Noteworthy tracks include the opening “Tabu,” wherein congas and timbales frame African-focused lyrics, the lushly textured and thoroughly retro “Amor de Mis Amores”; and the sensual charanga “Mueva la Cintura Maluta.” Portuando’s smoky voice imbues every word with deep feeling, and she performs with magnificent ease and enlivening self-possession. She presents the textures run slightly too thick, and a cadre of sweet-toned female backup singers lift the proceedings. Overall, though, it’s a charming album that proves this flower hasn’t faded, despite the passing of time. —AT

DANCE/ELECTRONIC

JUNIOR JACK
Trust It
PRODUCER: Vito “Junior Jack” Lucente
NEMETH: 303-74
RELEASE DATE: July 13
Fueled by a couple of dancefloor hits, Junior Jack’s debut full-length, “Trust It,” is well-positioned to experience solid sales in the dance/electronic community. The set’s first U.S. hit, “Da Hype”—featuring The Cure’s Robert Smith on vocals and a sample from Bobby “O” Orlando’s early-’80s club jam “I’m So Hot For You”—recently topped the Billboard Hot Dance Club Play chart. Follow-up single “Stupidisco” is already burning up turntables, and for very good reason.

CONTRIBUTORS:
Keith Caulfield, Leila Cobb, Deborah Evans Price, Brian Garrity, Rashan Hall, Katie Krol, Jackie McCarthy, Michael Pauletta, Wayne Robbins, Michael David Spies, Chuck Taylor, Christa L. Titus, Anastasia

Toussaints, Ray Waddell. ESSENTIALS: Reviews deemed by the review editor to deserve special attention on the basis of musical merit and/or Billboard chart potential VS MS RESSESS: Reviseable albums of special artistic, archival and commercial interest and outstanding collections of works by one or more artists. IGS: New releases, predicted to hit the top half of the chart in the corresponding format (CRITICS CHOICE): New releases, regardless of chart potential, highly recommended because of their musical merit. All albums commercially available in the United States are eligible. Send album review copies and single review copies to Michael Pauletta, BILLBOARD, 770 Broadway, 6th floor, New York, N.Y. 10003 or to the writers in the appropriate byline.
(Continued from preceding page)

FERNANDA PORTO
Fernanda Porto
PRODUCER: Fernanda Porto
TRACK #/S: 5/4
RELEASE DATE: July 13

A key element differentiates Fernanda Porto from the many other acts that also rework traditional Brazilian rhythms with electronic dance beats: Her songs are solid. While many multi-instrumentalists (Porto plays all instruments on all her songs here) tend to indulge or even overreach, Porto keeps it concise, catchy and well-crafted. “Baque Vira”, for example, is upbeat and fun: it is an irresistible invitation to dance. But the ensuing “Amor Errado” is an electronic-tinged samba rich in melodic lines, and “Vilarejo Intimo” is romantic and eloquent. “Fernanda Porto” is the artist’s debut CD and was originally released two years ago in Brazil, where it became a major seller. Its success proves that musicality and execution can indeed accompany a commercially minded release. Musicfans distributes the set in the United States.—LC

BLUES

DR. JOHN
N’Awlinz: Din Dat O’Duda
PRODUCER: Stewart Levine
Blue Note 7243 5 76602
RELEASE DATE: July 13

Dr. John’s latest is a cultural history of his native “N’Awlinz,” a sweeping 360-degree vision of 130 years of music, myth, storytelling and tradition. Stops include spirituals, voodoo, jazz funerals, Mardi Gras, folk tales and funery. Anybody but a solo project, the album brings in orchestrations for a spiritual devotional, Mavis Staples-enhanced reading of “When the Saints Go Marching In.” Dr. John keeps the blues blue with B.B. King on “Hern Lepin Rooster.” While Cyril Neville sparkles the gris-gris on “Marie Laveau.” Interestingly, there’s more mumbo jumbo than gumbo, but the album is at its best when local legend Edie Booe appears on two essential tracks: the seminal African-American folk tale “The Monkey” and a rendition of “St. James Infirmary.” The latter is a kind of living will, Dr. John’s own vision of how a legend might be the biggest bash the world’s greatest party town will ever see.—WR

CHRISTIAN

GRITS
Dicthotomy A
PRODUCERS: Grits, Otto Price
Golden Egg 60647A/60647B
RELEASE DATE: June 29

This represents the first installment of a two-disc collection, with “Dicthotomy B” arriving in early November. Once again, this talented Tenessee duo—Stacy “Coffee” Jones and Teron “Bona-fide” Carter—made a vibrant rap/hip hop recording. It is poised to appeal to mainstream audiences that can appreciate the creativity and craftsman- ship and the Christian listeners that will surely applaud the positive spiritual focus of the lyrics. “Dicthotomy A” is more aggressive than the pair’s 2002 disc, “The Art of Translation,” but it still boasts the ear-grabbing soulfulness that spurred sales of previous albums. The inventive “Cutter Boy” has “fan favorite” written all over it, while “Get Down” recalls old-school stuff. Pardon the profanity, but Christian hip-hop has frequently gotten a bad rap for being second-rate. Grits demonstrates otherwise with this disc.—DEP

VITAL REISSUES

JAMES BROWN
Soul on Top
PRODUCER: James Brown
Wounded Bird 7978
RELEASE DATE: July 13

Papa’s got a brand new big band. “Soul on Top,” an instant archetypal fusion as well as a testament to “I don’t wanna go down.” (There are also big band stylings of “Papa’s” and “There Was a Time” that are, at least, different.) Instead of adapting to the arrangements, the Godfather of Soul simply James Brown’s them into submission. Perhaps when Brown found out how much Wayne Newton and Elvis were making in Las Vegas, he thought he would see if the polished patented-leather shoe fit. While it didn’t quite make it, the recording is as much kitchy fun as the priceless album cover photo.—WR

DVD

GREENDALE Sanctuary 06076-88380
RELEASE DATE: July 27

Last year’s “Greenendale” CD featured thematically linked Neil Young songs played with Crazy Horse. It was accom- plished by the much better bonus DVD, with cinematographer artist affectionately performing “Greenendale” solo, humor- ously explaining the oblique songs. Now comes the DVD for “Greenendale,” a film document of a concert that he should have quit while he was ahead. There’s no dialogue in the movie. The only word spoken is when aking Records first as he’s taken by a cat while his partner plants drugs in the room of Sun Green (Sarah White). Green’s goal, like that of most of the film’s other characters, appears to be a move to Alaska to live a life of environmental purity and activism. “We’ve got a job to do,” said the mother Earth, “Young sings, or Green sings, since the actors lip-sync Young’s singing of the “Greenendale” tunes. Ulti- mately, the songs do not represent a meaningful contribution to Young’s body of work. In fact, the music seems to match the monotony of life in rural Greenland, and that dullness seeps through every frame.—WR

SINGLES

Edited by Michael Polaetta

POP

NIKKIA COSTA “I Don’t Think We’ve Met” (3:32)
PRODUCERS: Justin Stanley, Nikkia Costa
WRITERS: I. Stanley, N. Costa
PUBLISHERS: Littleseenca Music (ASCAP); Mushroom Music; Spacesouon Music (ASCAP) Virgin 7087 6 18739 (CD promo)
The funky Nikkia Costa returns with “I Don’t Think We’ve Met,” a follow-up to her preceding album, “Can’tervertinofun.” Costa busts into the mainstream three years ago with the excellent disc “Everybody Got Their Something.” While none of the singles from that set took off at radio, Costa mades this act a set single—her forthcoming album, “DIN” won’t be far behind. Grits demonstrates otherwise with this disc.—DEP

MODERN ROCK

DROWNING POOL Love (3:29)
PRODUCER: Johnny K
WRITERS: S. Benton, J. Jones, M. Luce, C.J. Pierce
Wind-up/WIPE 20110 (CD promo)
Here’s some irony for you: Newsweek reported last year that one song the U.S. military used to psychologically weaken its enemy, is a curious title song for one of Drown- ing Pool hit “Bodies.” Many radio sta- tions refrained from playing the title during the early aftermath of Sept. 11. Now, the band releases the single “Love and War,” which poses the question, “Who says all is fair in love and war?”

AC

SEAL Get It Together (3:53)
PRODUCERS: Trevor Horn, Mark Batson
WRITERS: Seal, M. Batson
PUBLISHERS: Perfect Songs/Bat Future (BMI) Warner Bros. 110158 (CD promo)
Seal’s current album, “Seal IV,” didn’t have a single that charted, but “Get It Together” is expected to rise to Billboard 200. But he has led a quiet storm on the AC charts, particularly with sleeper hit “Love’s Divine” which is currently No. 4. Warner Bros. mixs in a little summertime boogie in the new radio version of third single “Get It Together,” a herniated-knee

BILLBOARD

MUSIC PICKS

ESSENTIAL REVIEWS

BEASTIE BOYS Triple Trouble (2:42)
PRODUCERS: Beastie Boys
WRITERS: Beastie Boys, Bernard Edwards, Nile Rodgers
PUBLISHERS: various Capitol Records DPRO 7087 6 18718 (CD promo) More likely to name-check Miss Piggy than Biggie, the Beastie Boys are heavily into a nostalgig trip on their new album, “To The 5 Boroughs.” Lead single “Check It Out,” with its old- school feel, spent two weeks at No. 1. on Billboard’s Modern Tracks chart. This follow-up is poised to do the same. In “Triple Trouble” could make much more sense, given its coreddering to Sugar Hill Gang’s “Rapper’s Delight” by way of Chic’s “Good Times,” as well as nods to “The Trouble” of Double Trouble. Like the album from which it came, this single is not breaking any new musical or lyrical ground. Its patented mix of novelty and fun is replicated in one Ad Rock couplet, “What the Helen of Troy is that?/Did I hear you saying my rhymes is wack?”. The Beasties are used to get a few acts around that can make resting on their laurels sound like this much fun.—JM

SHAYNE More or Less (4:09)
PRODUCER: Kanye West
WRITERS: R.S. various
PUBLISHERS: various Gangland/Def Jam DEFR 16110 (CD promo) The summer may end up as the season of Shayne. The MC, once imprisoned for assault, was once viewed as the future of Bad Boy Records. He re-emerges with a multimillion dollar deal with Def Jam Records for his Gangland imprint. More or Less is his first offering from Shayne’s highly anticipated album, “Godfather Buried Alive,” due Aug. 10. The single’s bouncy track, which samples Lamont Dozier’s “Rose,” serves as a backdrop for Shayne’s booming voice. Lyrically, he deals with his honest, thought-provoking writing skills: “Hip-hop ain’t responsible for violence in America/America is responsible for violence in America . . . The schools didn’t want me/So, the drug dealers taught me/Simple math/Step it on twice and it brings back/R&B programmers have been slow to champion this single. Expect that to change. Soon.—RH

R. B./H. PUBUCATION

RESTLESS HEART Feel My Way to You (3:32)
PRODUCERS: Kyle Leaning, Mac McCauly
WRITERS: I. Schott, D. Orton
PUBLISHERS: Cherry River Music; Songs of Dreamworks (BMI); Universal-MCA Music; Hallana Music (ASCAP)
Kok KODCS-99261 (CD promo) This gorgeous single signals the reunion of the original members of country supergroup Restless Heart. A group of session musicians put together in 1984 by Tim DuBois (now co-president of Universal South), the quintet dominated country radio air- waves in the ‘80s and early ‘90s. The band has placed 26 songs on the Bil- lboard country singles chart, among them six consecutive chart-toppers, such as “I’ll Still Be Loving You,” “Wheels” and “Bluest Eyes in Texas.” This single showcases the stellar musicianship and beautiful layered harmonies the group was known for. It doesn’t sound modern, in fact, it’s fresh and breezy, laced with mandolin and propelled by Larry Stewart’s engaging lead vocals. Lyrically, the song is a classic tale of longing to return to that special love. This could be the comeback of the year. If so, this talented outfit will celebrate its 20th anniversary by opening a new chapter in an already illustrious career.—DEP

COUNTRY


world.americanradiohistory.com
**EXECUTIVE TURNTABLE**

**PEOPLE ON THE MOVE**

**RECORD COMPANIES:** Epic Records in New York names Lee Stimmel senior VP of marketing. He was senior VP of strategic marketing and business development at Atlantic Records.

Or Music in New York promotes Dan Mackta to VP of marketing and sales and appoints Nick Tieder director of national sales. Mackta was director of marketing and sales, and Tieder was director of retail marketing at JRB Sales and Marketing Innovations.

Dualtone Music Group in Nashville names Lori Kampa a promotion executive. She was director of publicity and promotions at Skaggs Family Records.

**RADIO:** Infinity Broadcasting in New York promotes Rob Barnett to senior VP of original programming and Chris Oliviero to director of original programming, Barnett was executive producer, and Oliviero was program coordinator.

Radio One in Lanham, Md., appoints Zemira Jones VP of operations. He was president/GM of active rock WZNN and Radio Disney outlet WRDZ Chicago.

**ENTERTAINMENT LAW:** Carroll, Guido & Groffman in New York names Dave Stein counsel. He was an independent attorney.

**RELATED FIELDS:** Radio sales research firm Research Director in Annapolis, Md., names Charlie Stiehl president. He was VP of research at Eastman Radio.

Radio sales and marketing firm Interpr in New York ups Sherman Kistar to senior VP of urban marketing.

**Artists Share Their Essence**

**Artists to Watch**

Lashell Griffin

It is always nice to have someone with clout in your corner, and a powerful benefactor has boosted newcomer Lashell Griffin’s career: Oprah Winfrey. Griffin is the winner of Winfrey’s Pop Star Challenge, a talent competition that netted her a deal with Epic Records. Her debut album, “Free,” bowed at No. 2 on the Billboard Top Gospel Albums chart in the June 12 issue. The Detroit-born mother of five was at home last November with a broken foot when she saw an episode of Winfrey’s show announcing the talent contest. Griffin’s husband recorded her singing “Amazing Grace” and entered her in the contest. On the show, Griffin’s renditions of Whitney Houston’s “One Moment in Time” and “Greatest Love of All” helped her take the top prize. "Free" is being worked by Epic to the mainstream and by INO Records to the Christian/gospel market. "I’ve been waking up every morning and it seems like I’m still dreaming," Griffin says. "It’s amazing how one minute you can be popping pain pills to help relieve the pain of your broken foot and you wake up in time to see something that is going to change your life. When you trust God and you let him lead you, often doors open. I’m definitely a testament to that." -Deborah Evans Price

**Salutations From Selah**

Dove Award-winning group Selah and executives from Curb Records presented a plaque to Christian Booksellers Assn., president/CEO Bill Anderson in thanks for support of Selah’s current Curb album, “Hiding Place.” The set debuted at No. 2 on the Billboard Top Christian Albums chart in June. CBA is the international trade association of Christian retailers and product suppliers. Anderson received the plaque June 30 during the CBA International Convention in Atlanta. Pictured, from left, are Curb senior director of promotion John Butler, Curb/VP de sales Benson Curb; Selah members Allan Hall, Nicol Sponberg and Todd Smith; Anderson, and Word Distribution president Mark Funderburg.

**Up With Metal**

Judas Priest, now reunited with lead singer Rob Halford, above, helped kick off Ozzfest at the tour’s opening date July 10 at the Meadows Music Theater in Hartford, Conn. Other acts on the tour include Black Sabbath, Slayer, Dimmu Borgir, Superjoint Ritual and Black Label Society. (Photo: Theo Wargo/WireImage.com)

**Killer Band**

The Killers recently played a sold-out show at New York’s Mercury Lounge. The band is touring in support of its Island Records debut, “Hot Fuss,” whose first single, “Somebody Told Me,” is climbing the Billboard Modern Rock chart. Pictured backstage at the Mercury Lounge, from left, are bassist Mark Stoermer, guitarist Dave Keuning, the Killers’ manager Braden Marrick, vocalist/keyboardsbrand Brandon Flowers (in front of Marrick), drummer Ronnie Vannucci, Island president Steve Bartels and Island Def Jam Music Group chairman/CEO Antonio “L.A.” Reid.
PlayStation 2 Playground

Sony's PlayStation 2 held a weekend blowout celebration July 2-4 at the PS2 Estate in Bridgehampton, N.Y., featuring a different party every night. Above, Nick Carter of the Backstreet Boys and his girlfriend, Paris Hilton, hang out at the July 2 bash to celebrate the launch of Hilton's new record label, Heiress Records. Jay-Z, left, is all smiles at his July 3 party for his new S. Carter tennis shoe. Below, Aretha Franklin and Sean "P. Diddy" Combs relax at Combs' sixth annual White Party (held July 4), where guests are required to dress in white.

(Photos: Dimitrios Kambouris/WireImage.com)

Going For The Gold

During this year's Country Music Assn. Music Festival, Capitol Nashville and Recording Industry Assn. of America executives surprised Trace Adkins by presenting him with gold certification plaques for his current album, "Coming On Strong," and DVD, "Trace Adkins: Video Hits." According to the RIAA, the album has shipped 500,000 copies and the DVD has shipped 50,000 copies. Pictured, from left, are Capitol Nashville senior VP of finance and operations Tom Becci, Capitol Nashville senior VP of marketing Fletcher Foster, RIAA senior VP of artist and industry relations Joel Flotow, RIAA senior VP of government and industry relations Mitch Glazier, Adkins, Capitol Nashville VP of sales Bill Kennedy, Capitol Nashville president/CEO Mike Dungan, RIAA director of artist and industry relations John Henkel and Capitol Nashville executive VP of promotion Bill Catino.

Ashlee Simpson has signed on as the new spokesmodel for Candie's. Simpson will appear in a print campaign that will bow in September issues of fashion, lifestyle and entertainment magazines. In other music-meets-fashion news, "American Idol" third-season winner Fantasia has inked a deal to be a spokesmodel for American Rag Cie. ... Tommy Hilfiger has tapped Christina Milian, Fefe Dobson, Fonzworth Bentley and Robin Thicke to star in a new series of commercials for Tommy Jeans.

(Photos: Davis Factor)
The first "Il Sogno" (The Dream) by Elvis Costello was performed by the Metropole Orkest in Asterdam, Netherlands' Metropole Orkest, the Imposters accompanied him.

Costello first performed "Il Sogno" at the 17th July North American premiere of "Il Sogno" at Avery Fisher Hall, in a 3-concert series. The first concert, for Boosey & Hawkes, was the North American representative of the classical music catalog. It employed the London Symphony Orchestra. It was released Sept. 21 by Deutsche Grammophon. The music is also available for choreography and concerts (the full score and the concert suite excerpt performed at Lincoln Center) from Boosey & Hawkes.

The first "Il Sogno" was commissioned by Elvis Costello, who is also on the album and accompanied Sinner by an orchestra. The Imposters led into his performance at the Metropole Orkest. It was an exciting evening of an orchestra that was excited to hear such a talented and intelligent musician as Elvis Costello.

Madigan promoted Costello's piece "Il Sogno" and "Acheron" by the American Symphony Orchestra League conference, which was held last month in Pittsburgh.

It was a maga-conference, with conferences of orchestras, choruses, dance companies and music critics converging all at once, "We did a press conference and gave out samples with three selections from "Il Sogno,"" says Madigan. "We will be distributing 13,000 programs, critics, etc. While that's something we customarily do, it's new for Elvis Costello."

Madigan now seeks other "good matches" in pairing Costello's piece with appropriate ensembles and "performance opportunities in both the orchestral and dance worlds." "Il Sogno" is special in that Costello composed and "skillfully orchestrated" it, Madigan adds. "That's not always the case with a pop artist who steps into writing for an orchestra to do his own orchestration.

Also notable is Elvis' choice of instruments, which besides the standard orchestra calls for a number of saxophones, a drum kit in addition to orchestral percussion instruments, and a cimbasso, which is a Hungarian dulcimer which Hungarian composer György Kurtág uses regularly. So it's not just "cookie-cutter" orchestration." Nor is Costella's first foray into the orchestral world a far cry from his pop tunesmithing, Madigan claims. "The score has a spirit and playfulness in common with his pop music that might not have been expected," she says. "It's very tuneful, with jazz elements and kinetic energy. You definitely feel the impulse to tap your toes—which you feel when you hear his other music."

And while the ballet score is "serious" music, Madigan adds, it lacks a "self-serious tone." "It's not the product of an inflated ego trying to create something groundbreaking, or another genre, as if you're trying to prove something," she explains. Rather, "it's an extension of the kind of writing he normally does, but in a different color that offers an orchestra the opportunity expressing his compositional voice."

"Il Sogno" now stands to enjoy a dual existence, Madigan predicts. "It will always be connected to Elvis because it's his creation, but at the same time it will be re-created and given new life with each dance company's new choreography or performing ensemble's new interpretation," she says.

"Whereas with the songs he writes and sings, you always expect to hear him singing them. Even though there are lots of fantastic Elvis Costello covers, it's hard to separate the songs from the man. You wouldn't separate the man from his score, either, but 'Il Sogno' has the potential for a different kind of life."

SINATRA'S NEW SET: Elvis Costello's longtime drummer Pete Thomas rushed to Milwaukee after the July 15 Costello concert starring the Imposters. Turns out he has been moonlighting with Nancy Sinatra's band leading into the Sept. 21 release of her Sanctuary album "To Nancy, With Love," which finds the luminous pop icon singing songs by the likes of U2, Pete Yorn and Morrissey, who penned the first single, "Let Me Kiss You," and sings backup on it.

"Morrissey really did her a big favor," says Thomas, who is also on the album and accompanied Sinatra on a recent U.K. jaunt including a Morrissey-sponsored June 29 gig at the Meltdown Festival at Royal Festival Hall. "It was absolutely great," Thomas says. "All she ever did in England was..." The music is still being recorded.

"I'm very proud of what we've built," Lewis says. "There's programming, structure and great leadership. At this point, Grammy Recordings is requiring more of my attention as we plan to further develop that area for the academy. Lewis has worked on the nomines compilations since the inception.

Most recently, the P&E Wing was instrumental in establishing a new Grammy field and category. At its semiannual board of trustees meeting May 24-26, the NARAS added the best electronic/dance album category in the dance field. Lewis says the additions are "two big victories for our P&E Wing constituents. We're very thankful and excited." Lewis confides that she is fielding new opportunities in addition to work with the nominees release, "I love this community and feel like I need to continue to contribute if somebody wants me to. I have a lot of passion for it."

NARAS will hire a new director. The process is under way through NARAS' Member Services department.

MUSIC CITY NEWS: Ocean Way Studios in Nashville welcomed the pro audio community on successive days preceding the National Association of Recording Artists & Engineers' (NARAS) Summer Session July 23-25 at the Nashville Convention Center. Demonstrating the continued growing interest in multichannel audio, Ocean Way's Studio 8 hosted a production seminar July 21 on high-resolution surround PCM (pulse code modulation) and DSD (direct stream digital) techniques. Manufacturers Lipinski Sound and Mytek Digital sponsored the event.

On July 22, the Nashville chapter of the Audio Engineering Society presented the second Vocal Microphone Invitational, sponsored by manufacturers AKG, AKG, CAD and Shure.

Male and female vocalists performed a cappella to demonstrate differences among the microphones, which this year included wireless and stage microphones as well as studio mics. A panel of top engineers followed the manufacturers' presentations.
Sony Connects To Indies

BY BRIAN GARRITY

NEW YORK—It may be an odd concept for a product offering from a company as large as Sony, but Sony Connect—the media and technology giant’s new foray into the digital music business—is looking for indie cred to build its profile with consumers.

During its early weeks in the marketplace—as it did in the months leading up to its May launch—Sony’s digital music store has been aggressively courting support from a range of independent labels, distributors and marketers to help build buzz.

Indies are no strangers to distribution through digital music services, but executives in the indie community say that Sony Connect has been pursuing its portion of the market with particular aggressiveness.

Sony involved indies early in planning Connect. It hired companies known for street marketing to promote the service, teamed with indie e-commerce retailers on compilation CDs and created special areas on the service dedicated to content from select indie labels.

In September, Connect users will be able to search for artists by label, which could help consumers find indie music.

Derek Sivers, CEO of Portland, Ore.-based online retailer CD Baby, was surprised by the intensity of Sony’s interest in working with his company. “They, more than almost any other company, really pursued us from day one,” he says.

PARTNERING TO BE FIRST

Connect GM Jay Samit says the service aspires to be to the digital download world what famed California-based retailer Amoeba Music is to the bricks-and-mortar world.

“We’re trying to go beyond what everyone has, to be the source where you find music first,” he says.

To that end, Connect is rolling out pages on its service that are dedicated to content from select independent labels. Among these are Nettwerk, SpinArt and Drive Through. A label page for Vagrant is set to debut in August.

Connect has also teamed with indie e-commerce retailer/ marketer insound.com on special one-off compilation CDs and other marketing efforts.

At the South by Southwest Music Festival earlier this year, the two companies distributed a rarities compilation featuring music from such acts as TV on the Radio, Iron & Wine and American Analog Set—all of which were featured on the Connect service at launch.

Additionally, Insound-owned marketing company Drill Team has been promoting the service through (Continued on page 44)
Mail-order company Collectors’ Choice Music has purchased Orange, Calif.-based Hep Cat Records & Distribution for an undisclosed price.

Founded in 1993 by Gabby Castellana, who will now serve as GM, Hep Cat is a distribution and mail-order operation that specializes in roots music and punk, with an emphasis on back-catalog titles (Billboard, Aug. 14, 1999).

Based in Los Angeles, Collectors’ Choice is one of the country’s largest catalog and Web retailers.

The company is a division of Chicago-based Infinity Resources. In 2003, Infinity purchased the Heartland (country) and Serenade (RB&B) catalog operations.

Moving forward, Hep Cat will be fulfilled by Infinity’s facility in the Chicago area.

Besides stocking virtually every imaginable reissue title of domestic or foreign origin, Collectors’ Choice also offers more than 350 exclusive titles it has licensed for sale on its in-house imprint.

Hep Cat will take over the distribution of those titles in 2005. Collectors’ Choice’s deal with Koch Entertainment Distribution expires in December.

Gordon Anderson, senior VP/GM of Collectors’ Choice, says that with margins on its licensed releases shaved by royalties and mechanicals, it makes perfect sense for the label to be self-distributed.

“It will give us a lot more flexibility to be promotional with the accounts,” Anderson says.

He adds, “Koch did a good job with our stuff, but the stock rhetorical question is, is it better to have 25 sales reps with 25 labels or one rep with one label?”

In 2001, Hep Cat forged a unique deal with New Hope, Minn.-based Navarre, in which Navarre picked up select exclusive titles for distribution to chains that the Southern California firm did not serve (Billboard, July 14, 2001). That relationship will continue under the new ownership.

ARTHUR REVS UP: Arthur, the bi-monthly free magazine distributed in record and comic book stores and devoted to left-field music and culture, has started its own Web-only record imprint.

Basket Records bowed with two limited-edition releases. Befitting a publication that features off-the-wall bluesman T-Model Ford and Thurston Moore of Sonic Youth as regular columnists, the offerings are out of the ordinary.

“The Golden Apples of the Sun” is a 20-track compilation of underground folk performers selected by Devendra Banhart. Acts include Vetiver (with Hope Sandoval of Mazzy Star), bar/bassist Joanna Newsom, Iron & Wine and Six Organs of Admittance.

“Million Tongues Festival” is a collection of international psychedelia by Chicago music/journalist Plastic Crimewave. Among the contributors are Kawakita Makoto (of Japan’s Acid Mothers Temple), Kinski and Michael Younkers. The set commemorates the upcoming Million Tongues Festival, which Arthur is co-sponsoring. The festival will take place Aug. 4-8 at the Empty Bottle in Chicago.

The two albums are available at arthurrmag.com.

IT’S A NEW WORLD: Allegro in Portland, Ore., has sealed a North American distribution pact with New World Music. The 22-year-old Los Angeles-based label, founded by therapist/psychologist Colin Wilcox and his wife, Carmen, specializes in new age, relaxation, world and ambient music.

Bayside Entertainment Distribution previously handled the label. New World joins a distribution roster that includes such prominent new-age firms as Suzanne Ciani’s Seventh Wave Records, Stephen Halpern’s Inner Planet Music and Dean Evenson’s Soundings of the Planet.

IN THE MARKET: Scott Cameron has parted ways with Navarre, where he served as national account manager for the past two years.

Cameron, who worked for now-defunct Distribution North America in a similar capacity before joining Navarre, is seeking other opportunities. He can be reached at 952-758-9489.

Sony

Continued from page 43

street campaigns.

Matt Wishnow, co-founder/president of Insound, says Sony is “looking for partners to reach out to the indie community.” Sony, he adds, is courting indie partners like Insound because they speak to “the people who are ‘music first’ people.”

Samit says reaching out to taste-makers audiences at the ground level is a priority for Connect.

“We’re going out to the festivals and going to the clubs trying to find the best music that’s out there,” Samit says.

For instance, Connect served as the pre-party sponsor for the Village Voice’s Siren Festival, held July 17 at Coney Island in Brooklyn, N.Y.

RECEPTIVE CONNECT

It should be no surprise that indie label executives are delighted with Sony’s approach.

“They’ve been very accessible to us,” Nettwerk America director of online marketing Jason Rosenthal says. “They do a good job of including us, and they’re receptive to our content.”

Nettwerk act Ron Sexsmith recently did an in-studio performance for Connect that is being offered exclusively through the service.

Samit says that as digital services move beyond their nuts-and-bolts setup phase, it is marketing and programming that will help determine their success.

He adds that with almost every retailer—online and offline—selling pop catalog, an emphasis on compelling independent music can help a service like Connect separate itself from the pack.

“We’re going after an audience that has been underserved by retail,” Samit says. “If you look at where the growth is going to come from, much of it is going to come from this community.”
The stakes are undeniably high.

With the market steadily growing, digital music services confront choices that can make or break their brand and business. Pricing, partnerships and promotional deals are sharp points of competition for the leading services—Apple Computer’s iTunes Music Store, Real’s Rhapsody, Napster, MusicMatch, walmart.com and Sony Connect. Microsoft’s MSN Music Service and Virgin Digital are expected to enter the download fray this year. Both will face similar challenges in this battle of the brands.

The stakes are undeniably high. Estimates of consumer spending this year on digital music downloads and subscriptions range from $200 million (Jupiter Research) to $300 million (Forrester Research). Forrester expects this number to grow to $700 million by 2005 and constitute one-third of music spending by 2008.

Each of the existing digital music services in the nascent market needs to attract and retain customers. Each initially tapped the tech-savvy ranks of early adopters and now must expand its reach to the sometimes technophobic mass market.

As they do so, digital music services face traditional and novel challenges in pricing, partnerships and promotions, according to brand analysts.

Free samples, for example, a traditional enticement for new customers, straddle the line in the digital music business between turning fans into customers and diluting the value of the music product, analysts say.

A deal between Pepsi and iTunes marked one of the highest-profile promotional partnerships in the digital music business in the past year. Pepsi buyers could redeem codes printed inside select soft drink bottles for free downloads from iTunes, which claims 70% of the digital download market.

Pepsi’s youth-oriented brand image hits a demo-
Kmart has gone back to the drawing board.
The Troy, Mich.-based chain reportedly is re-examining all aspects of its operations, including whether to continue having Hand-lemann rack its stores.
Kmart has about 1,500 locations combined, they generate about $200 million in music business.

Since the turn of this century, when Kmart's music volume was about $450 million, the chain has emerged from bankruptcy, closed some 600 stores and sold off another 100 or so. Now, new management and investors are trying to remake the merchant.

According to sources at the majors, Kmart has been exploring its music options, and one of the avenues it is discussing is buying music directly from the majors, a la Target. It is also considering using other wholesalers or changing its model with Handlerman.

"This goes beyond music; they are scrutinizing every aspect of their operations," one executive familiar with the situation says. "When they look at music, they see a longstanding marriage that might have gotten a bit stale."

Some say Handlerman, which is also based in Troy, has been Kmart's rackjobber seemingly since the beginning of time; others date the relationship to the 1950s. Certainly, when Kresse changed its name to Kmart in 1962, Handlerman was already entrenched there.
The relationship has served Handlerman well through the years as others tried — and failed — to win Kmart.
A couple of decades ago, long-time rackjobber competitor Lieberman (which Handlerman acquired in the mid-1990s) managed to arrange a test for about 15 minutes serving a few of Kmart's stores, but it never got any further with the chain.

In the early 1990s, Trans World Entertainment took a swipe at Kmart, running leased departments in five of its stores to no avail. "Kmart has having conversations with the majors about their music business," one senior distribution executive says. "They seem pretty mad at Handlerman. They think Handlerman doesn't service them well and doesn't have the right assortment. They want to have a TARGET model with fewer SKUs."

"But I can't understand why they think Handlerman is bad," the exec adds, "because we think they are one of the best racks we have."

Similarly, another distribution executive says, "Kmart doesn't understand the business, and they don't have a strategy. Handlerman is doing a great job; the issue is not the supplier."

Another executive says Kmart is doing the right thing by exploring "how music and even electronics in their totality can drive more foot-

That executive notes that a while back, Walmart considered going direct instead of relying on Anders-son Merchandisers and Handlerman but in the end remained where it was. Having "made sure that its racks add value," Wal-Mart's decision to stick with the two companies validates their service, the exec says.

It will be interesting to see which way Kmart turns. Even if the chain decides to go direct, not all majors can deliver or sell hard-to-product, so Kmart's next move would likely be an interim step.

Whatever happens, industry executives see the merchant's SKU count shrinking. Kmart once carried 4,000 SKUs but currently carries about 3,500, according to one sales executive. He says Kmart seems on track to carry less than 1,500 SKUs eventually.

Handlerman and Kmart executives either were unavailable or did not return calls for comment.

THE INDIE UNIVERSE: Look for Universal Music & Video Distrbution to start a U.S. independent distribution company in the next few months.
Sources say the company is still in the planning stage, but the idea is to seek out indie labels for distribution.
The new company is expected to serve as a farm club for Universal Music Group labels, allowing them to develop baby bands more cost-effectively. It will also provide U.S. distribution for UMG's international releases.
When the indie company launches, UMG will become the fourth major to have two U.S. distribution setups. Sony Music Entertainment created RED in the '90s, EMI Music gained Caroline when it acquired Virgin and Warner Music Group built Alternative Distribution Alliance.
UMG is said to be building a company instead of buying an existing distributor because its management believes the former approach will give it better control and understanding of the operation.
A UMG spokesman was unavailable for comment.

**A lot of our kids have a greater loyalty to the Warped artists, and these P2P relationships allow fans to support the artists and buy their music through legal ways."  —KEVIN LYMAN, VANS WARPED TOUR

Well as tracks from bands on past Warped outings.
Greg Rudis, VP of marketing for MusicNow, says the company is creating "the biggest collection of downloadable punk rock in one place, paying the artists for the sale of their work and allowing the bands on the tour to actually create playlists in the store."
MusicNow also sells $10 Warped download cards at tour venues. They allow the tour's younger attendees, who often do not have access to credit cards, to download from the Warped online store.

Inside the digital music pavilion, Memorex installed PCs and CD burners that allow tour-goers to sample, mix and burn music from MusicNow's store. Memorex is also
distributing 30,000 blank CDs throughout the tour.

Deborah Hernandez, marketing communications manager for Memorex, says the company sees the Warped tour as a way to reconnect with the 18-34 market by giving them an "immediate experience with the music they're passionate about."

Digital download market leader Apple has its own iLife tent on the tour. The tent features iMacs and PowerMac G5s that allow fans to experiment with music and video creation.

Lyman also embraced relationships with companies that promote legal peer-to-peer downloading of music.

Digital content distributor Al-net has provided an infrastructure to sell live performance videos from the tour; fans can access the links on the Warped tour Web site or through LP2 network Kazaa.

"The independent artists are looking for any way to promote themselves, a lot of them aren't opposed to a certain amount of downloading," Lyman says. "A lot of our kids have a greater loyalty to the Warped artists, and these P2P relationships allow fans to support the artists and buy their music through legal ways."

**PRODUCT LAUNCH PAD**

Lee Jaffe, president of Al-net, worked out licensing parameters with more than a dozen independent labels with acts on the tour — including Epitaph, Vagrant and Artemis. Al-net allows users three free video downloads before it starts charging.

"We're experimenting, and selling video is the new thing," Jaffe says. "Every time we reach out to independent record labels to distribute their work, they say, 'Yes, this is what we want, we want the ability to market to [our] audience. It's important to connect them directly to their fan base.'"

Another partner, TV Desktop, is using the Warped tour for its product launch. The software application delivers daily streamed video from the tour, including news updates from the "Pit Reporter," performance videos and selections from Fuse.

Fuse is covering the tour and broadcasts a weekly segment, "Warped Wednesdays," which is also available to members of AOLS teen-targeted service, AOL Red. Wрапtor, the tour's newest partner, is distributing demo versions of its software, WрапtorLab, which allows artists to promote, distribute and sell their music online.

"This is a way of leveling the playing field for indie artists trying to get into digital distribution," says Benjamin Osgood, president/CEO of Wraptor parent Free Radical Networks. "They can proactively promote themselves rather than wait for an iTunes to get behind them."

**AOL Music: Total Monthly Streams**

Top Audio

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* The ListeningView™ live from Universal Radio Rocks - Artist of the Month "Friday Artist" - Season 2/104 - Source: AOL, Music for Teen romance episode July 15, 2004
Hot Stuff: Asia, Docus

BY JILL KIPNIS

LAS VEGAS—Expect two genres, Asian action and documentaries, to heat up DVD retail shelves in the next few months.

Studio execs attending the Video Software Dealers Assn.’s Home Entertainment conference, which took place here July 14-16, mention these categories again and again when asked which types of properties they are looking to acquire and market.

"Moving forward, we will be doing Asian action," Palm Pictures GM Lisa Nishimura says. "There is such amazing film coming out of these markets."

The small cinema category is already proving successful for Koch Entertainment Distribution, says the company’s VP of video, Dan Gorlitz. "Fifteen years ago, there was a martial arts explosion with Bruce Lee films," he says. "Now that explosion is happening with sword films, due to the success of movies such as ‘Kill Bill’ and ‘The Last Samurai’. This stuff is just rocking."

KED recently released "Lady Snowblood" and "Lady Snowblood—Love Song of Vengeance" ($29.98 each), both of which inspired "Kill Bill."

The company is also marketing seven films about Zatoichi, a fictional blind 19th-century Japanese swordsman, including the upcoming "Zatoichi in Desperation" and "Zatoichi’s Conspiracy." Both are due in stores Oct. 10 for $29.98 each.

Documentaries are expected to get a lot of retail attention because of two theatrical successes from such projects as "Fahrenheit 9/11" and "Super Size Me.

The latter is slated for a Sept. 26 DVD release from Hart Sharp Video.

Ted Green, Anchor Bay Entertainment COO, says, "We are getting to continue to be aggressive in acquisitions in this area due to these theatrical successes."

Anchor Bay recently acquired a dozen documentary films. These include "Word Wars," about the world of competitive Scrabble, and "With All Deliberate Speed," about the Supreme Court decision Brown v. School Board.

KED

Top Kid Video Hits & Facts: Video refers to video sales. Recreational Sports refers to DVD sales. • RIAA gold certification for sales of 500,000 units or more; platinum for sales of 1,000,000 units or more. • Billboard does not report sales for movie-related projects, as well as titles not yet released on video. • Billboard’s charts are compiled using reports submitted by USA retail outlets, as well as international, satellite, club, and discount store sales. • Billboard’s Hot Kid Video Hits chart is compiled using sales data submitted by music publishers. • Billboard’s Hot Recreational Sports Video chart is compiled using sales data submitted by video publishers. • Billboard’s Top Health & Fitness Video chart is compiled using sales data submitted by music publishers. • Billboard’s Top Music Videos chart is compiled using sales data submitted by music publishers. • Billboard’s Top Kids Video chart is compiled using sales data submitted by music publishers. • Billboard’s Top Music Videos chart is compiled using sales data submitted by music publishers.
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Saxophonist Bunnett Takes A Folk Turn

BY LARRY LeBLANC

TORONTO—Canadian jazz saxophonist/flautist Jane Bunnett has traveled for more than two decades around Cuba and Europe in search of musical inspiration. However, it was sounds from Bunnett’s own past that inspired her to create the new album “Red Dragonfly,” her most mainstream work to date.

“It’s a grand and somewhat reflective project,” Toronto-based Bunnett says. “The music I had been collecting through my life. The songs have significance to me.”

The recording comprises folk songs from Canadian, Japanese, Celtic, African, Cuban and American Indian sources that Bunnett has treasured for years—many from her childhood.

Among the 12 tracks are the traditional Appalachian song “Black Is the Color” and “Un Canadian Errant” by late French-Canadian fiddler Jean Carignan. The title track, also known as “Tombo” and written by Kosaku Yamada, is one of Japan’s most beloved folk songs.

Blue Note/EMI released “Red Dragonfly” June 1 in Canada. Narada Jazz will issue it July 27 in the United States. The release marks Bunnett’s debut on Narada Jazz.

“This is a quality record,” declares Rich Denhart, senior director of A&R for Narada Productions in Milwaukee. “We see an opportunity for it with Jane’s performing schedule in the U.S. this year. We are used to working albums that are hard to pigeonhole.”

Booked by Mars Jazz Booking Agency in Charlottesville, Va., Bunnett kicks off a 12-date U.S. tour Aug. 6. In October, she will perform in Europe, including dates in Paris, Madrid, London and Bern, Switzerland. She is also booked to play the Alabank Jazz Festival Oct. 8 in Istanbul.

On “Red Dragonfly,” Bunnett’s lyrical soprano sax is backed by the four-member Penderecki String Quartet from Waterloo, Ontario. It also features her band: producer Larry Kramer (Bunnett’s husband), who plays trumpet and flugel horn; pianist David Virelles; drummer Mark McLean; and bassist Kieran Overs.

While the album features Bunnett’s characteristic rhyming and melodic complexity, the diverse arrangements provide an orchestral lushness unheard in her previous recordings. The arrangements are by Bunnett.

(Continued on page 54)

Australia Biz Divided On Blank-Media Tax

BY CHRISTIE ELIEZER

SYDNEY—The Australian music industry is divided over proposed copyright-law changes that would introduce a levy on blank recording media.

Phil Tripp, managing director of Sydney-based events company Immedi and publisher of the Australasian Music Industry Directory, recently launched a campaign to amend Australia’s Copyright Act of 1968 to allow music copying for personal use.

Currently, Australians who make personal copies of recorded music are in breach of the Copyright Act. Penalties range from $500 Australian ($350) to $5,000 Australian ($3,500).

Tripp proposes allowing music buyers to copy purchases onto recordable discs, tape or digital music players. In return, a levy would be applied to the recordable media and players.

He dismisses labels assertions that legalizing copying will lead to lost sales. “That has not been the case in overseas countries where such a levy was introduced,” he says. “If anything, a levy puts a value on music as far as customers are concerned.”

A levy system similar to the one Tripp proposes exists in Canada. It is administered by the Canadian Private Copying Collective, which collected $28.4 million Canadian ($21.2 million) in 2003.

Tripp claims to be acting as an individual who believes that the law on private copying is wrong and that consumers’ rights are being ignored.

Labels head the Australian Record Industry Association, opposes legalizing copying. ARIA contends that copyright holders should be able to control how their copyrights are used.

“A tax on technology doesn’t seem to be a smart way to go,” ARIA CEO Stephen Peach says. “It’s an old-world solution to a new-world problem.”

Peach says a more viable alternative would be to introduce digital-rights technology that would allow Australian downloaders to make three copies of a work in a controlled environment. ARIA also favors legitimate download sales and educating consumers so they realize that mass copying harms investment in artists.

As for the levy proposal, it has three fundamental flaws, Peach claims. One is the issue of how it should apply to consumers who use recordable media for non-copyright purposes. He also foresees problems in dealing equitably with the existing wide range of recordable media. Finally, he points to the difficulty of determining how creators should be compensated.

CONSTITUTIONAL PROBLEMS

The Australian government is considering modifying the Copyright Act in line with a pending Free Trade Agreement with the United States. The U.S. Congress endorsed the FTA July 15 and has submitted it for presidential approval. An Australian Senate select committee will deliver its final report on the FTA by Aug. 12. The FTA then goes to Parliament for debate; observers expect the agreement will pass and come into effect by February 2005.

(Continued on page 54)

On her new album, ‘Red Dragonfly,’ Jane Bunnett employed the Penderecki String Quartet along with her regular band.

PEACE: DOES NOT THINK TAX WILL WORK

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## Hits of the World

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### General

**New** = New Entry  **Re** = Re-Entry

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### Billboard EUROCHARTS

**Week Ending 05/30/04**

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### COMMON CURRENCY

**A weekly scorecard of albums simultaneously attaining top 10 chart status in three or more leading world markets.**

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### Enduring U.K. Cult Band The Blue Nile Ends Eight-Year Drought

Enduring U.K. cult band The Blue Nile has a history of disappearing for years on end.

Since the group's 1983 debut, "A Woman in Love," the group's name was turned into a noun, "The Blue Nile," by the band's fans. The group's last album, "The Blue Nile," was released in 1998. The band has not released any new material since then.

The band's name has been used by several other acts, including a dance music group in the 1990s and a TV series in the United States.

### FINDING FOCUS: Argentina's Federico Aubele is DJing and playing live in Europe to promote his debut album, "Grand Hotel Buenos Aires," a Spanish-language set mixing Latin and dub styles.

DJ/guitarist Aubele cites such influences as the Beatles, the Ramones and tango composer Astor Piazzolla. His recording debut came about after studying the small print on "Focus On Sight," a 2001 single by U.S. DJ/producer duo Thievery Corporation on Washington, D.C.-based indie ESL Music. "I logged on to the label's Web site and e-mailed them asking where to send demos," Aubele says.

Impressed by his demos, ESL signed Aubele, and Thievery Corporation produced "Grand Hotel Buenos Aires." It was released in May in the United States and is rolling out through indie distributors in Europe this summer.

Aubele made his live debut with a band June 17 in Barcelona at the Sonar dance music festival. **STEVE ADAMS**

### Global Pulse

Nigel Williamson, Editor

www.americanradiohistory.com
Danish Gov't Backs Exports

Labels Will Receive Funds To Boost Country's Pop, Rock Titles

BY CHARLES FERRO

COPENHAGEN—Danish labels are applauding a recent government decision to allocate $5.5 million kronor (about $1.1 million) to boost pop and rock exports during a three-year period beginning Jan. 1, 2005.

Copenhagen's chairman of the Danish Rock Council, the local affiliate of the International Federation of the Phonographic Industry and independent labels' organization DUP.

"Rock and pop have never previously struck the right note at the Culture Ministry, but this sends an extremely positive signal to the industry," says IFPI Denmark chairman Michael Ritto, who is also CEO of label/publishing/management group Danish Business Organization.

"It's a remarkable cooperation between the industry and various organizations on the political side," he adds. "In itself, the funding won't change the world, but it will help."

Under the initiative, funding will go to acts signed to Danish labels but not to local bands that have signed with overseas labels.

The move is the second significant allocation of public money to the Danish industry this year. In January, the 2005 Danish opening night gala at the Midem conference in Cannes, France, to the tune of 2 million kronor ($300,000).

"I'm pleased the music industry has followed up efforts at Midem and got together to find means of helping themselves further. The new plan will considerably increase music export possibilities," Mikkelsen says.

The ministry says the money will be used for presentations, concerts, showcases, tours and other activities aimed at selling music abroad. Export efforts will be on a 50/50 basis, with label/private money matching state funding.

"It's time to work toward the objective of realizing potential through a sustaining strategy, which Music Export Denmark represents," Mikkelsen says.

"As a major company that has been working with music exports for a long time, it's great to see this initiative," says Ole Mortensen, director of international exploitation at EMI Recorded Music Denmark.

"We have backed ambitious projects at Midem and been active in sending out music. With the minister's support, we'll be even more active."

Mortensen hopes one beneficiary of the scheme will be EMI-signed rock band Saybia, which is releasing its second album in September. "The first time around we did a lot of concerts abroad," Mortensen says, "but there are new markets to conquer."

IFPI Denmark marketing director Jesper Bay adds, "What's important is that this is new money. There will be no change in other funding, for Midem, Popkomm and other projects."

Bay says MDX members will meet in August to discuss the group's direct and the allocation of the government funds. He says a likely scenario would see one person appointed to evaluate the export potential of individual acts, while the board would approve funding.

In November 2003, APRA and its film industry equivalent, SCREENrights, proposed plans for a levy to the government. The proposal was rejected, receiving almost no support.

In 1984, the Australian High Court rejected ARAS's own proposal to introduce a blanket-licence levy as unconstitutional after blanket-licence manufacturers and equipment companies challenged it in court.

Cottle says peculiarities in the Australian Constitution pose "quite serious drafting and practical problems in enacting a levy system."

MIXED RESPONSE

Tripp initiated preliminary discussions in May with government intellectual-property advisers in the Attorney General's department and the department of communications, information technology and the arts.

He then sought support for a legal change from 25 music-industry associations. These included the ASSN. of Independent Record Labels (known as AIR), the Australian Music Retailers Assn., the Music Managers Forum, the Country Music Assn. of Australia and the Folk Alliance of Australia.

The proposal received a mixed response. The AIR board discussed it at a meeting July 8 but postponed a decision until July 20. The key question for members, chairman David Vodicka says, is, "Do you give up the rights of your copyright to the government and hopefully get that money back? And will that money be enough?"

AMRA's board rejected backing the levy at its July 8 meeting. "The proposal as it stands has no obvious benefit to music retailers," AMRA executive officer Ian Harvey says.

The Australian arm of the MMP suggests that the issue be debated publicly and proposes a national series of seminars during August featuring input from ARIA, APRA and other parties. MMP Australia chairman Marshall Cullen says the issue "is a lot deeper than it appears."

A June 25 report on the repercussions of the FTA, issued by the parliamentary Joint Standing Committee on Treasures, recommended that the government consider a levy for personal copying.

The Australian Consumers Assn. backs Tripp's campaign. "The FTA seeks to adopt the draconian U.S. line on copyright without attending to crucial aspects of consumer protection," ACA senior policy officer Charles Britton says.

"The U.S. has fair-use provisions that provide some level of protection for consumers in home copying—we don't."

Britton says the Copyright Act must be changed to strengthen consumers' rights with the advent of the FTA.

Tripp says the government's Copyright Tribunal would determine the size of the levy. He suggests that the money be collected and distributed to artists, songwriters, labels and publishers through the Australasian Performing Right Assn.

APRA CEO Brett Cottle backs the idea. "Technical solutions will not stop copying, because they can be hacked," he says, "and they alienate the very people we want back into buying music."

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Tax

Continued from page 51

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Bunnett

Continued from page 51

Cuban pianist Virelles, Toronto multi-instrumentalist Don Thompson and Cuban pianist Hilario Duran, a long-time Bunnett collaborator.

Bunnett, recording with a string section and playing in varied styles with such diverse arrangements presented a formidable challenge.

"Some of my records you could see many different influences and ingredients," she says. "But we tried to limit that this time. . . We wanted a record that kept a certain mood throughout. Also wanted to blend in as best as I could, to weave in and out of the string."

Bunnett's rich musical library began with her Juno Award-winning 1991 album "Spirits of Havana" (Denoq Canada). She made her Blue Note debut with "Jane Bunnett and the Cuban Piano Masters" (1996). Her 2003 release, "Cuban Odyssey," earned a Grammy Award nomination last year.

"Jane is a very diverse artist who can play different musics and blend in with all kinds of different people," says Warren Stewart, director of catalog marketing at EMI Music Canada.

"This album shows that."

FOR THE RECORD

In the story "Japan: Reviving the Market," which appeared in the July 3 issue, Japanese artist Masaharu Fukuyama's label affiliation should have been listed as Universal Music K.K.
Account Manager-Airplay Monitor

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Alter Bridge
Continued from page 11
son in the past. Friendships and rela-
tionships in bands are just as impor-
tant as talent.”

Enter Myles Kennedy. His former
group, the Mayfield Four, had opened
for Creed in the late ’90s, and it be-
came clear that Stapp and his band-
mates were parting ways, Tremonti
says, “we ran a frantic search for the
best man we could find. Everyone we
tried could not be reconciled against Myles
and no one stacked up.”

After auditioning via tape, Kennedy
first played with the band Jan. 2. “That
was the second part of the audition
process to see how we jelled.” Kennedy
says. “And it was immediate. It just
felt as if we had been playing together for
a long time.”

Tremonti and Kennedy began writ-
ing together and the band was sealed.
The pair wrote all the songs on the
album. And even though Tremonti co-
wrote Creed’s hits and is proud of his past,
he sees Creed mainly in his current
release mature.

“We’re not ever going to play Creed
songs,” he says. “We’re trying to skate
away from all the Creed comparisons or
anything from the past. We just want
Alter Bridge to be a fine band.”

That may be, but the connection be-
tween the two groups is evident in
first single “Open Your Eyes,” which is
No. 10 at active rock radio this issue
and No. 30 at modern rock.

The soaring song bridges Creed’s
dramatic urgency with the new band’s
much heavier, but still melodic sound.

“That wasn’t the intent,” Tremonti
says of the song. “It’s just what comes
naturally. I think all our old fans from
the Creed days will appreciate it and
we hopefully gain a lot of new fans from it.”

The song was the No. 4 top requested
tune at KPOI Honolulu earlier this
month.

“It’s a good, well-written song,”
KPOI music director/assistant PD Fil
Slash says, “I like Creed, but I love
Alter Bridge.”

In August, the band will start a four-
week promo tour. “They’ll play acousti-
cally in conference rooms and on the
air,” Lerner says. “You could debate if
Mark has to start over, but he wants to.”

Dean Kerr (Metallica, Queens of the
Stage) has arranged a video for “Open
Your Eyes.” The song will get extra
exposure from its inclusion in “Mad-
den 2006,” the latest edition of the pop-
ular Electronic Arts videogame.

Wind-up has coordinated a major
online marketing push with the game
and the Madden Music Pager. The
interactive desktop application, which
bowed July 21, will go to more than 1
million gamers.

Alter Bridge will perform some of the
new material when it appears at the
NationalAsen, of Retail Merchandisers
conference in August.

“It’s a good song. Wind-up will ship 1 mil-
nion units of the album. ‘We’re not
doing any exclusive deals,” he says.
“We’re just supporting retail with cur-
culars and great visibility in the stores.”

Lerner says the label has not yet
decided whether to sticker the album
to announce that Alter Bridge includes
Creed members, but Wind-up and dis-
tributor BMG are making sure that
dealers understand the link.

Chris Brown, VP of marketing for
Portland, Maine-based chain Bull
Moose, says the Creed connection will
be important, but only until Alter
Bridge establishes itself.

“I would think there would be a bit
of a base for this [band],” he says.
“Think about Velvet Revolvers. It’s bas-
nically Guns N’ Roses without Axl Rose.
If you were the type that found Ad Rose
obnoxious but liked that direction of
music, this could be the same thing.
This is kind of Creed Mach 2, but it can
probably gain some new fans.”

The band will start a theater tour
Sept. 23 with plans to hit bigger ven-
uines in 2005.

With Stapp’s solo set coming in late
2004 or early 2005, Lerner considers
the situation “the best of both worlds.”

“From the perspective of Creed fans,
Mark and Scott [Stapp] wrote all these
huge hits. There’s a lot of interest in
what Mark will do next,” Lerner says.
“[But] we have this hand Alter Bridge
and there’s a whole new audience that
was too young or not a fan of Creed, so
it’s a new opportunity.”

There will be more opportunities
when Stapp’s record arrives. The first
single will likely go to radio in August.

“We’ve timed it where we felt we
got that moment people [at radio],”
Lerner says. “The reality is that Creed
broke up, and we have two amazing
acts. It doesn’t suck.”

Additional reporting by Renee Ord
in Los Angeles.

Changes
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Induce
Continued from page 8
oppose the bill, saying it would snare
innocent parties and stifle innovation.
In a letter in support of the bill
were Marybeth Peters, Register of
Copyrights at the U.S. Copyright Office,
and Robert Holleyman, president/CEO
of the Business Software Alliance.
Witnesses opposing the bill were
Gary Shapiro, president/CEO of the
Consumer Electronics Assn., and
Kevin McGuiness, executive director/
general counsel at NetCoalition.
Andrew Greenberg, vice-chair-
man of the Intellectual Property
Committee at the Institute of Elec-
trical and Electronic Engineers,
testified that the group supports the
concept of the measure, but not its
current language.

In related news, a spokesman in
the office of Sen. Debbie Stabenow,
D-Mich., has confirmed that the
maker has signed on as an addition-
al co-sponsor. Stabenow does not sit
on the Judiciary Committee, but the
spokesman says she is interested in
the bill on copyright issues “because
she worked her way through college
as a folk singer.”

The Recording Artists’ Coalition
and the musicians’ unions also sup-
port the bill.
Buffett Chills At No. 1

When Jimmy Buffett comes to mind, you think of the Fartheads who have made him a perennial draw on the concert circuit. However, it appears a shift to more traditional headgear, namely cowboy hats, helps the veteran earn the first No. 1 album of his career (see story, page 1).

Aside from the numerous country stars that are featured on lead single “Hey Good Lookin’” and appear throughout the album, Buffett’s best-seller Nielsen SoundScan week also follows his duet with Alan Jackson, “It’s Five O’Clock Somewhere” — a large radio hit that spent eight weeks at No. 1 last August and September.

The development of the country base has not only expanded Buffett’s audience but also shifted the strata of stores where his music sells.

Of the 238,500 copies sold this week on Buffett’s “License to Chill”—more than 100,000 copies larger than his previous SoundScan high—61% of those were rung by mass merchants. That is by far the largest chunk department stores have contributed to his sales base during the SoundScan era, and likely during his career.

By contrast, mass merchants sold 48% of his first-week take on the 2003 hits package “Meet Me in Margaritaville: The Ultimate Collection” when it started with 127,000, the singer’s previous SoundScan peak. They only held 22%-23% of first-week sales for the first two independently distributed releases on his Mailboat label: “Far Side of the Moon” (No. 5 with 78,500 sold in 2002) and “Buffett Live: Tuesdays, Thursdays, Saturdays” (No. 37, 52,000, 1999).

Duets Do It For Rogers

Kenny Rogers made his debut on Hot Country Singles & Tracks 35 years ago this month as leader of the First Edition with “Ruby, Don’t Take Your Love to Town.” That has given Rogers plenty of time to team up with a number of female vocalists through the years.

This issue’s latest release, “My World Is Over,” debuts at No. 60. The song is a duet with 19-year-old Whitney Duncan, the 10th woman to partner with Rogers on this chart.

In 1978, Rogers spent two weeks at No. 1 with “Every Time Two Fools Collide,” the first of five chart entries for the team of Rogers and Dottie West.

In 1990, Rogers peaked at No. 3 with “Don’t Fall in Love With a Dreamer,” recorded with Kim Carnes a year before she had a huge pop hit with “Bette Davis Eyes.”

In 1983, Rogers turned to another female pop singer, Sheena Easton, and ruled the chart for one week with a cover of Bob Seger’s “We’ve Got Tonight.”

Later that year, Rogers found a classic partner in Dolly Parton. Their “Islands in the Stream” topped the country and pop charts.

In 1986, Rogers charted with a song heard in a commercial for Chrysler. “The Pride Is Back” matched him with an unknown Nickie Ryder, her only appearance on the country tally. (Aside from Ryder, Duncan is the only female who was not already well-known when she recorded with Rogers.)

Anne Murray was the lead artist on the 1989 duet “If I Ever Fall in Love Again.” That was followed by the 1990 release “Maybe,” featuring Holly Dunn.

Seven years later, Wynonna became Rogers’ eighth female duet partner when “Mary, Did You Know” appeared on the survey. In 2000, Rogers had his first No. 1 hit in 14 years with “Buy Me a Rose,” featuring Alison Krauss and Billy Dean.

“My World Is Over” is a new track on a greatest-hits collection released on Capitol, the same label that features Ryder on its roster. Rogers is signed to Dreamcatcher Records, a label he formed with former Capitol/EMI America president Jim Mazza.

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<td>BILL &amp; GIRLS DAUGHTER AND THEIR HOMECOMING FRIENDS</td>
<td>A Tribute To Howard &amp; Velma Goodman</td>
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*Album with the green background is a Billboard 200 #1.*

**Notes:** Weekly charts are compiled by Billboard from a survey of jukebox, retail, and streaming sales, and airplay at radio stations in the United States. These data are used to determine a song's position on the Hot 100 chart. Billboard also compiles a variety of other charts, including the Dance Airplay, Rock Airplay, R&B/Hip-Hop Airplay, and R&B/Hip-Hop Songs charts, which are based on similar methodologies. The charts are updated regularly to reflect changes in the music industry and consumer preferences. The data used for these charts is provided by Nielsen Broadcast Data Systems and Nielsen SoundScan. The charts are compiled on a weekly basis and are released on Friday evenings.
Over The Counter

Continued from page 57

segment still accounts for half of the albums sold in 2004.

SHARING THE LOVE: One artist who has equal regard for music stores and mass merchants is Usher. His "Confessions" is the best-selling album of 2004, with 17.9 million copies posted to date. While best sellers often vary between traditional music retailers and department stores, the split for this title is almost 50-50.

In rounded numbers, merchants, each segment has sold 2.4 million copies of "Confessions," with mass merchants holding a 0.2% edge over music stores.

With Usher’s album the odds-on favorite to be the year’s top dog when all 12 months are done, this could be the first time since 1999 that music retailers and mass merchants have shared a best seller.

During that year, the Backstreet Boys’ second album, “Millennium,” was the top album for both segments. It turned out 1999 was also the last year when the total for the mass merchants’ best seller outweighed the music retailers’ top title, as the former rang 5.4 million of “Millennium,” compared with 4 million at record stores.

For the next four years, respectively, music stores’ best sellers (and the segment’s totals for those years) were Eminem’s “The Marshall Mathers LP” (5.3 million in 2000), Linkin Park’s “Hybrid Theory” (3 million in 2001), the Eminem Show” (5.7 million in 2002) and 50 Cent’s “Get Rich or Die Tryin’” (4.5 million in 2003).

In contrast, mass merchants’ top albums in those same years were N Sync’s “No Strings Attached” (5 million in 2000) and “Celebrity” (2.6 million in 2001), Avril Lavigne’s “Let Go” (2.3 million in 2002) and Norah Jones’ “Come Away With Me” (2.5 million).

Meanwhile, with Usher holding at No. 2 on the big chart (125,000, down 4%), "Confessions" has never been lower than No. 3 over its 17 chart weeks. That’s the longest streak of any album since Britney Spears’ "Oops!... I Did It Again" did so for its first 17 weeks in 2000.

The Backstreet Boys’ “Millennium” was the last to stick a longer run, holding in the top three for its first 19 chart weeks.

SISTER ACT 2: We hope this news does not incite a sibling rivalry, but first-day numbers from retailers just about guarantee that Ashlee Simpson’s first album will best her older sister’s peaks for both rank and sales weeks. The younger one is in line to own next issue’s No. 1 slot on The Billboard 200 with sales of the range of 150,000-150,000.

That will not only beat the new Van Halen hits, predicted to start at about 150,000, but also Jessica Simpson’s best numbers. The older sister’s career peaks came earlier this year with the special edition of “In This Skin” which yielded a 150,50-unit frame, good for No. 2. Meanwhile, it was CDs distributed at Prince’s three Madison Square Garden shows in New York that accounted for his greatest chart year (64-8, up 55,000).
Catalog albums are listed in their full title. The Heatseekers list the latest selling artists by name and format. The charts reflect the latest selling albums by name and format. Digital sales are included in the charts, as are sales of albums sold through streaming services. The charts are compiled by Nielsen SoundScan, a division of Nielsen. Nielsen SoundScan is a leading provider of market information for the music industry. Nielsen SoundScan's charts are based on the sales of albums and singles in the United States. Nielsen SoundScan collects sales data from a variety of sources, including retail stores, online retailers, and streaming services. Nielsen SoundScan uses a variety of methods to collect sales data, including the sale of physical copies of albums and singles, as well as digital sales through online retailers and streaming services. Nielsen SoundScan's charts are the most comprehensive and accurate source of information on the latest selling albums in the United States.
### Billboard Top Christian Albums

<table>
<thead>
<tr>
<th>Position</th>
<th>Artist</th>
<th>Title</th>
<th>Number 1 Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SWITCHFOOT</td>
<td>The Beautiful Letting Go</td>
<td>2004-08-28</td>
</tr>
<tr>
<td>2</td>
<td>CASTING CROWNS</td>
<td>Before The Time</td>
<td>2004-08-28</td>
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<tr>
<td>3</td>
<td>FRED HAMMOND</td>
<td>Somethin' 'Bout Love</td>
<td>2004-08-28</td>
</tr>
<tr>
<td>4</td>
<td>SELAH</td>
<td>Riding High</td>
<td>2004-08-28</td>
</tr>
<tr>
<td>5</td>
<td>MERCYME</td>
<td>Keep It Simple</td>
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### Billboard Top Gospel Albums

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<th>Title</th>
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<tbody>
<tr>
<td>1</td>
<td>BISHOP T.D. JACOBS</td>
<td>Presents: My Motions</td>
<td>2004-08-28</td>
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<td>2</td>
<td>THE PHAT BOYS</td>
<td>We Shall Not Be Shaken</td>
<td>2004-08-28</td>
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<tr>
<td>3</td>
<td>JAYSON</td>
<td>I Can't Help But To Be Me</td>
<td>2004-08-28</td>
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<tr>
<td>4</td>
<td>THEO GLASS</td>
<td>I'm A Believer</td>
<td>2004-08-28</td>
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<tr>
<td>5</td>
<td>TEE Y</td>
<td>Keep It Simple</td>
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### Billboard Top Latin Christian Albums

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<td>ANGIE JIMÉNEZ</td>
<td>Eterno</td>
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<td>2</td>
<td>LAURON</td>
<td>Live In Chicago</td>
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<td>3</td>
<td>DANNY CASTRO</td>
<td>Por Hacienda</td>
<td>2004-08-28</td>
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<td>4</td>
<td>ADDI</td>
<td>In The Name Of Jesus</td>
<td>2004-08-28</td>
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<tr>
<td>5</td>
<td>JOSHUA SANDOVAL</td>
<td>La Fe Que Nace</td>
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### Billboard Top Reggae Albums

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<thead>
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<th>Position</th>
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<tr>
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<td>STUPEFY</td>
<td>Back To Basics</td>
<td>2004-08-28</td>
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<td>various artists</td>
<td>Reggae Gold 2004 Vol. 1</td>
<td>2004-08-28</td>
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<tr>
<td>3</td>
<td>TURKS</td>
<td>The Last Don: Live, Of Your Love &amp;-too</td>
<td>2004-08-28</td>
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<tr>
<td>4</td>
<td>STEVE RAŻ</td>
<td>The Essence Of Steve Raż</td>
<td>2004-08-28</td>
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<tr>
<td>5</td>
<td>DON Omar</td>
<td>The Last Don: Live, Of Your Love &amp; too</td>
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### Billboard Top World Albums

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<tr>
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<td>BEEBIE GILBERTO &amp; GORAN ZIĆ</td>
<td>Go Have Guru</td>
<td>2004-08-28</td>
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<td>2</td>
<td>GIPSY KINGS</td>
<td>Boleros Vol. 1</td>
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<td>3</td>
<td>LILA DOWNS</td>
<td>Una Sempre: One Blood</td>
<td>2004-08-28</td>
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<td>4</td>
<td>various artists</td>
<td>The First Dates</td>
<td>2004-08-28</td>
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<tr>
<td>5</td>
<td>BOB MARLEY</td>
<td>The Best Of Bob Marley</td>
<td>2004-08-28</td>
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</tbody>
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*Note: The above chart represents the top albums in their respective categories as of July 31, 2004, according to Nielsen SoundScan data.*
Nelly makes himself at home on a number of charts with "My Place," the first single from his upcoming "Suit" album. This follows some airplay for "Flap Your Wings," which comes from another Nelly album, "Sweat." "Suit" showcases Nelly's romantic side, while "Sweat" boasts his traditional uptempo party tunes. Both CDs are scheduled for simultaneous release Sept. 14. In early June, "Flap" was released to radio, but Universal passively promoted it in anticipation of the nearly instantaneous arrival of "Suit." Although some stations jumped on the initial track heavily, it drew mixed reactions and currently ranks just below the Hot R&B/Hip-Hop Airplay chart with an 8% increase.

"Place," however, has met little resistance, as it moves 6-27 on The Billboard Hot 100 and 53-21 on Hot R&B/Hip-Hop Singles & Tracks in its second week on both lists. It also debuts on Rhythmic Top 40 and Hot Rap Tracks at No. 20 and No. 12, respectively. The track gains 23 million listener impressions on the Hot 100 chart airplay.

The last song to debut in the top 20 of the Rhythmic chart was Jennifer Lopez's " Jenny From The Block," which entered at No. 19 in October 2002. "Place" posts a 1,051-spin increase on that chart, which is the biggest one-week rise since Eminem's "Not Afraid" gained 1,156 detections the week of May 18, 2002.

FLOAT TO THE TOP: Modest Mouse jumps to the head of the Modern Rock chart with its chart debut, "Float On." "Float" marks the first time an act's debut appearance on the Modern Rock chart has hit No. 1 since Trapt's "Headstrong" headed the list for five weeks in May and June of 2003, "Headstrong" displaced another first-timer, "Bring Me to Life" by Evanescence featuring Paul McCoy. Those three tracks are the only maiden chart appearances to reach No. 1 on the Modern chart since the start of 2001. For the first seven months of 2004, there have been seven debut singles that have reached the top 10 of the Modern chart, an increase from the six that hit that portion of the chart between January and July 2003. The current total is the most for the first seven months of the year since eight debut singles topped 10 May 1999.

WALK, DON'T WALK: Without any movement in the upper and plenty of action in the lower half, the top 10 on Hot Country Singles & Tracks is a study in contradiction this issue. Up 19 detections to 5,038 plays, Tim McGraw's sturdy "Live Like You Were Dying" controls the list for a third week, followed by four more bulleted titles that do not change in rank. In descending order, Kenny Chesney, Reba McEntire, Brad Paisley and Billy Currington each have eyes for McGraw's No. 1 slot. McEntire is the elder statesman of the bunch and is making a strong push with "Something." The track is at 4,338 detections and has the biggest gain in the top 20 with a 449-spin increase. If McEntire should take the track to No. 1 it would be her first solo chart-topper in seven years.

The lower half of country's top 10 sees newcomer Josh Gracin's "I Want to Live" shoot 12-6 while Terri Clark grabs the 10th spot of her 10-year career as "Girls Lie Too" hops 11-7 and Jimmy Buffett's "Hey Good Lookin'" moves 10-8. Keith Urban lands his fist top 10 climb to date, as "Days Go By" vaults 16-10 in its fifth chart week. That's twice as fast as his previous record pace: "Somebody Else" rose 11-9 during its 10th frame in the issue dated Sept. 7, 2002.

CLOUDS ABOVE: Los Lonely Boys' "Heaven" is proving to be a true crossover smash as it tops at No. 9 on Hot Country Singles & Tracks. The song is now being worked by Epic/ Monument Nashville and picks up 99 detections at 35 stations. Although most spins are a result of syndicated play, "Heaven" shows up with first-time spins at KYGO Denver; WWYU Tampa, Fla.; and WCKT Providence, R.I.

Expect a huge jump for "Heaven" on Hot Digital Tracks next issue. An older sales code was being used by one of the digital vendors, resulting in a double listing on the chart of the same version. That duplication was not caught in time to reprocess this issue's chart. If the versions at No. 30 and No. 40 were combined this issue, the track would post 7,000 downloads, good enough for a No. 9 ranking.
Canada Pulls

CHOI-FM License

In an unprecedented decision July 13, broadcasting regulator the Canadian Radio-television and Telecommunications Commission denied the application by Genex Communications for the renewal of its license for French-language commercial rock radio station CHOI-FM Quebec City. In its decision, the CRTC found that Genex’s programming failed to meet the objectives of broadcasting policy set out in the Broadcasting Act of Canada. The agency argued that on numerous occasions, Genex failed to comply with Canadian radio regulations.

The CRTC considered comments made by CHOI’s announcers as likely to expose individuals or groups to hatred or contempt “on the basis of mental disability, race, ethnic origin, religion, color or sex.” The CRTC also maintained that the station’s announcers relentlessly used the public airwaves to insult and ridicule people. Since Montreal-based Genex acquired CHOI in 1997, the station’s programming has come under fire. CHOI has been the subject of numerous complaints about the conduct of its hosts and its spoken word content. In 2002, the CRTC restricted CHOI to a two-year license instead of the customary five or seven years, subject to several conditions, to prevent such offenses from recurring. The CRTC’s decision has significant implications for Canadian commercial radio. The CRTC had previously revoked licenses only for such violations as failure to meet music content regulations. Genex says it will appeal the CRTC ruling to the Federal Court of Appeal. In a separate public notice also issued July 13, the CRTC called for applications for broadcasting licenses to carry a new French-language FM station in Quebec City. That will maintain the diversity of radio service in the region.

Q SCORE: New York radio veteran Steve Kingston has formed music marketing company HighQ Media. Kingston aims to create promotions for radio that will offer similar exposure for artists as an appearance on such TV shows as “Total Request Live.” “Late Show With David Letterman” or “The Oprah Winfrey Show.” As a programmer, Kingston said in a statement, “I always felt that there was a tremendous opportunity to create bigger-than-life promotions around marquee artists, something that was outside the grasp of any one radio station.”

ON THE SATELLITE: Siriuspassed the 500,000-subscriber mark earlier this month and expects to double its subscriber count by year’s end. Meanwhile, Sirius and rival XM have signed pacts with Porsche. The German sportscar manufacturer will give customers the option of installing either service.

YOU BET: Contest winners will be able to test their bluffing skills against rockers Tommy Lee, John Rzeznik and Dave Navarro in the first Vegas Rock Star Poker Tournament. The event takes place Aug. 26-28 at the Palms Casino Resort in Las Vegas. The tournament, announced July 19, is produced by Clear Channel Entertainment Properties and the Las Vegas Convention & Visitors Authority with the Palms. Clear Channel radio stations in 14 "feeder" markets — cities that are home to frequent Vegas visitors — will select one winner in each market. The 14, plus two chosen from visitors to Web site vegasrockstarpoker.com, will compete at the rocks in an "all-star" tournament. The winner will take home $100,000.

Additional reporting by Larry LeBlanc in Toronto and Ray Waddell in Nashville.
Sony-BMG
Continued from page 1

the deal’s completion.

But FTC approval should be imminent and the music industry’s new lineup of four global majors appears ready to become a reality.

Upon completion of the merger, the new Sony-BMG will be the world’s second-largest record company.

The new company’s global market share will be about 22.6%, according to UBS Warburg. Global leader Universal Music Group has 23.5%, according to the International Federation of the Phonographic Industry.

Industry attention is now focused on how Sony and BMG will merge their structures.

BMG chairman Roll Schmitt-Holtz tells Billboard that it will take “at least a year to complete the merger.”

Schmitt-Holtz declined to comment on reports that 2,000 jobs would be lost to the merger.

When two large companies join forces, they do this because they want to cut costs and do so, Schmitt-Holtz says. “These are costs which do not benefit the consumer and music. We will do this as well, because we have no choice,” he says. “And it is what we told the commission.”

He remains nevertheless optimistic about the outlook for the new company, which he says will achieve efficiencies that will be shared by both artists.

“Fewer-one-hit wonders and more creative quality—this is an opportunity for the record industry as a whole,” Schmitt-Holtz says.

The point is to channel investment back into music once more. The merger is good for music, for our artists and for our employees. Ultimately, it is the best concept for ensuring both companies’ continued existence.”

Sony Music chairman/CEO Andrew Lack says of the new venture: “We’re developing a company to develop new talent, preserving existing creative centers in locations around the world, and maintaining a multiplicity of record labels that might otherwise be threatened. Music is—and always will be—at the very heart of this business.”

A MERGER OF EQUALS

Because the Sony-BMG match is a merger of equals, there will be discussions between the two parties as to how to create the best structure at global, regional and local levels. This will be different from the PolyGram-Universal scenario, where the buyer, Universal, called the shots.

Many speculate that much will be done in the four to six months.

“To focus on efficiencies and deliver the savings they announced, they will have to act quickly, especially in the main territories such as the U.S., the U.K., Germany and France,” one observer says. “This will also have a devastating effect on the artist roster.”

The chief executive of one of the two companies’ key affiliates says internal communication on post-merger plans has been “very minimal” so far. “But the agreement that does not mean developing new talent, preserving existing creative centers in locations around the world, and maintaining a multiplicity of record labels that might otherwise be threatened. Music is—and always will be—at the very heart of this business.”

Sony has enjoyed some success in the market recently with such new acts as Big Brovas and the Coral and with veteran artists George Michael, who has performed in terms of current acts pales in comparison to that of BMG.

A source familiar with both Sony and Stringer says, “In the U.K. you have an unlikely but extremely successful chairman [Bochum] and a chairman with a magical name [Stringer]. The smart money would be to think of a creative solution that could keep them both. The key is to integrate what Bochum could run the U.K. operations while Stringer takes larger responsibilities within the new structure.

France

With 20.5% of the market, Sony Music is France’s second-largest record company, behind Universal. It is also one of Sony’s best-performing companies in Europe.

President/CEO Olivier Montfort has been in charge of the French operation since 2000.

BMG is the other hand, has the smallest market share of the majors in France. But under theegis of former Jive France managing director Christophe Lamine–who was upped to president in June—the company has regained some strength, especially in local repertoire.

Sources in France suggest the Montfort/Lamine–ge could be a “dream ticket” for the merged companies.

Germany

BMG’s strength in Germany lies in its domestic product. The company has a generous repertoire, Bochum (Gun Records with rock, pop–rock and urban) and Munich (adult contemporary, shoegazer and rock). Berlin-based Sony has a domestic roster biased toward new, young artists from the pop, rock and rap genres. With a combined market share of more than 30% (Sony and BMG was able to topple EMI’s 26% [Sony] from the top position in Germany.

Insiders estimate that 150 jobs will be lost as a result of the merger.

BMG in Germany/Switzerland/Austria is headed by president Maarten Steinkamp, a powerful executive who also serves as the parent company’s president of international. At Sony, Balhuchar Schirman is GSA president.

Canada

Industry sources suggest that cutbacks at the two companies following the merger will be modest, both have streamlined over the past three years, in line with their global strategies.

The Canadian market share of the combined approach to marketable repertoire in 25%, far short of market leader Universal Music Canada, which has an estimated 35% market share.

Sony music president Denise Don- lor and BMG counterpart, Lisa Zunow, are respected in the market and high-profile and formidable executives.

Australia

Sony was the prime mover on the currently emerging market leader in Australia until the emergence of Universal. The company is recognized within the industry Down Under as an artist-friendly major with an aggressive approach to marketing.

Sony, under the leadership of chairman/CEO Denis Handlin, has enjoyed huge success during the past year with singer/songwriter Delta Goodrem.

BMG, helmed by managing director Ed St. John, also has the reputation as an artist-friendly operation. However, it has been less successful at developing and breaking new acts.

Italy

Traditionally the smallest of the majors in Italy, BMG Ricordi’s market share has grown noticeably in the past two years to an estimated 18%. During the course of 2003, it claimed the market leader spot for long periods.

Guided by president/CEO Adrian Bertone, the company has broken such new acts as La Vibrazioni.

Sony Italy, helmed by president/CEO Franco Cabrini, prides itself on its equal sales of local and international repertoire. Its domestic roster is weighted toward established names, like vocalist Adriano Celentano.

BMG Aria has been Spain’s strongest major label in terms of local artist sales. It is particularly well-stocked with various singer/songwriters such as Juan S. Fra and Manel Serrat.

But BMG has enjoyed a string of novelty acts in recent years, including 11-year-old singer Melody, Las Ketchup and current kids’ favorites Los Lannis.

The merger could reunite current Sony Music president José Maria Carrillo and BMG’s president of Spain and Portugal, Carlos Lopez, Camara was BMG president for some 15 years. He appointed Lopez as his VP in 2000 before moving to Sony in September 2002.

Contributors: Christie Eliezer (Australia), Larry Leflue (Canada), Emmanuel Legrand (United Kingdom), Howard Liebowitz (Spain), Wolfgang Spahr (Germany), Mark Words (Italy).

Both companies have radically changed their international structures in recent times.

Sony Music has a specific structure—Sony Music Europe, headquartered in New York, with chairman Bob Bonwin and president Rick Dobbs. Most territories report directly to Dobbs.

BMG has no specific international organization, except in the various territories or regions report directly to Schmitt-Holtz, Smellic or Maarten Steinkamp, BMG president of international. The latter is also currently acting president of BMG Germany. Sources say Steinkamp will play a major role in the new global setup.

Both companies have centralized their global operations and marketing in New York.

Sony executives who recently spent time with Dobbs at a managing directors’ meeting in London say they were surprised at how uncertain he seemed to be about his own future within the new company.

“It was very strange indeed,” says an executive who was at the gathering. “He greeted us as if it was the last time.”

People familiar with both Sony and BMG’s situation suggest that BMG executive VP/chief marketing officer Tim Prescott’s New York-based global marketing team, which has achieved remarkable successes in recent months with the likes of Avril Lavigne, OutKast, Usher and Alicia Keys, is in the best position to occupy the same role in the new company, augmented with several recruits from Sony.

In Europe, both companies have suppressed one layer of management and no longer have a president for the region. However, due to the importance of the market, a new regional structure could be put in place.

Additional reporting by Steve McClure in Japan.

Tough
Decisions
Continued from page 1

lineup, overall staffing and artist rosters.

Further, Sony BMG’s local operations will have to overcome differences in A&R philosophies, marketing strategies and different ownership.

Here is a look at how Sony and BMG are each positioned in some of the world’s key music markets:

UNITED KINGDOM

One of the crucial territories will be the United Kingdom, where BMG has had an impressive run in the albums and singles charts under the chairmanship of former Universal executive Tim Bowen.

In 2003, BMG captured 11.9% of the U.K. albums market and 18.1% of the singles business. Keys to BMG’s success include Will Young and popular songstress Dido.

At Sony, the U.K. company has been managed since 2002 by Rob Stringer, the younger brother of Sony Corp. of America chairman Howard Stringer.

Sony has enjoyed some success in the market recently with such new acts as Big Brovas and the Coral and with veteran artists George Michael, who has performed...
other peer-to-peer networks as they become more popular," Sherman says. Indeed, overall P2P use is on the rise, according to BigChampagne, jumping from 6.8 million simultaneous users worldwide in June 2003 to 8.2 million last month, slightly off from a peak of 9.4 million in April.

“Minister the you squash one net-work, another one appears,” says Mark Ishikawa, CEO of BayTSP, an online intellectual property protection firm. The Los Gatos, Calif.-based company monitors 22 P2P communities that have reached a “critical mass” of 100,000 concurrent users; at that point, users can find ample media. (BigChampagne starts measuring traffic at 50,000.)

**EMERGING NETWORKS**

Popular new network eDonkey has settled in at about 2.2 million users since April, according to BayTSP. Upstart eDonkey has a higher percentage of successful file transmissions than Kazaa, says Mark Morganspan, VP/VGM of Loudeye subsidiary Overpeer, an anti-piracy service that floods networks with spoofed files in an attempt to degrade the user experience. Morganspan says eDonkey’s “self-correcting protocol” is more efficient at detecting spoofed files than Kazaa. Another hot network, BitTorrent, uses software that facilitates file transfers among small groups trading a single file. According to some sources, BitTorrent has become the most popular of all P2P sites, although Garland says its traffic is “unquantifiable.” Further combating the RIAs’ efforts are upgraded versions of P2P software containing enhanced “default” privacy features and safeguards.

Some P2P adherents, especially students, are using proxy servers or swapping only in private networks like Direct Connect (which has a user base of 300,000, according to BigChampagne). Here, people trade files among trusted sources.

Many of these networks stand a chance of flying under the radar of BigChampagne, BayTSP and RIAA enforcement teams like Los Angeles-based MediaSentry.

However, as the networks grow, they become more vulnerable to detection. “The more files [individually] are trading on the system, the more obvious they become, and the more likely they are to become a target,” Sherman says. Phil Leigh, founder/president of market research firm Inside Digital Media, believes the only way to entice users away from P2P networks is to provide a better selection of content on legitimate services like iTunes. “It’s a fool’s errand to try and go after these networks with the hope of eventually quarantining them,” Leigh says. “You’ll never get it done.”

**SPOODING STILL WORKS**

Spoofing, however, appears to have undermined some P2P network usage. BayTSP says that interdiction companies like Overpeer and Santa Monica-based MediaDefender have been increasingly effective in flooding the FastTrack network with spoofed files. “In order to degrade the P2P experience, you need to protect large amounts of files, not just the very few current releases,” Morganspan says.

BayTSP reports that on FastTrack, the average number of files per user increased from 204 on May 30 to 271 on May 31, then jumped to an average of 387 for the week ending June 0, peaking June 30 at 541 per user. The trend is directly tied to spoofing, BayTSP says. Despite all the challenges, Kazaa remains the strongest P2P brand. Many of Kazaa’s users, Garland says, are college students who are ignoring their campuses—and their high-speed connections—during summer break. When they return this fall, he anticipates an upward spike in file trading on the FastTrack network.

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**Musicals**

Continued from page 5

cal flops, it’s over.” Indeed, launching musicals based on movies has yielded mixed results on Broadway. In recent years. “The Lion King” and “Wicked” were smash hits. But “Saturday Night Fever” and “Urban Cowboy” flopped.

“Monty Python’s Spamalot,” which is based on the 1975 movie “Monty Python and the Holy Grail,” is aiming to beat the odds. The musical and the movie are a comic spin on the story of King Arthur and his Knights of the Round Table.

“Monty Python’s Spamalot” will star Tim Curry as King Arthur, David Hyde Pierce as Sir Robin and Hank Azaria as Sir Lancelot. Eric Idle, one of the original members of the Monty Python comedy troupe, will direct.

Iddle also co-wrote the music and lyrics with composer John Du Prez, who is best-known for his work on the 1980 film “A Fish Called Wanda.” Mike Nichols will direct.


As the “Monty Python” fans will tell you, said, “I like the title ‘Spamalot’ a lot. We tested it with audiences on my recent U.S. tour, and they liked it as much as I did, which is gratifying. It comes from a line in the movie which goes, ‘I eat jam, and ham and Spam a lot.’”

**DIRTY ROTTON PARTNERS**

The origins of the “Dirty Rotton Scoundrels” project came in part from composer David Yazbek’s interest in doing a musical version of the 1988 comedy film, which starred Steve Martin, John Candy and John Kapelos.

Yazbek tells Billboard, “I found out [that] Jeffery Lane also wanted the rights to the musical, so we ended up working together on this project.” Lane wrote the book.

The musical debuts at San Diego’s Old Globe Theatre Sept. 15, then heads to the Imperial Theatre on Broadway. Previews begin Feb. 15, 2005; the official Broadway opening is March 17. Yazbek composed the music for the Broadway musical adaptation of “Full Monty,” whose choreographer, Jerry Mitchell, will have the same role for the Dirty Rotton Scoundrels. Tony Award-winning director Jack O’Brien (“Hairspray”) will direct. Original Yazbek songs in the “Dirty Rotton Scoundrels’” musical will include “Get Off Me,” “Cheery One,” “Oklahoma,” “Chimp in a Suit” and “Love Is My Legs and You Are My Love So You Are My Legs, My Love.”

Its cast includes John Lithgow, Nor- bert Leo Butz, Shereen薛, Joanna Gleason, Gregory Jbara and Sara Gutterfield. Yazbek will produce the cast albums.

The stage version of the “Color Purple” will feature music from Brenda Russell, Allen Weiss and Stephen Bray. The musical is to premiere Sept. 9 at Atlanta’s Alliance Theatre. There is no Broadway venue or opening date at this time.

The makers of “Dracula the Musical,” whose Broadway previews begin July 28 at New York’s Belasco Theatre, say the musical is primarily based on the Bram Stoker novel “Dracula.” However, visual elements of the musical are believed to be inspired by “Dracula” movies. The production features music by composer Frank Wild-}

Felling Don and Christopher Hampton wrote the musical’s book and lyrics.

It is understood that no label deals are yet in place for the cast albums from any of these musicals.

**COLLINS SWINGS ON BROADWAY**

The “Tarzan” musical will feature the music of Phil Collins, who won a best original song Academy Award writing “You'll Be In My Heart” for Disney’s animated film version.

In an interview with Billboard last year, Collins said the “Tarzan” musical is expected to debut in 2005 or 2006. He said he was approached to compose the music for its stage production while working on music for the Disney animated film “Brother Bear.”

“Writing the score for ‘Brother Bear’ has allowed me to write the music for ‘Tarzan’ [the musical],” Collins says. “The songs in ‘Tarzan’ are still going to be pop, like in the movie, but they will be more orchestral than it was in the movie.”

Meanwhile, “Chitty Chitty Bang Bang,” which has already been produced in London, has yet to announce its Broadway cast. It will land next year at New York’s Ford Center for the Performing Arts. Previews begin March 29, 2005, and it opens April 28. Richard Sherman and Robert Sherman wrote the music and lyrics. Adrian Noble is the director.

“Legally Blonde” has not been cast yet but is expected to debut on Broadway in 2006. The production will feature music and lyrics by Larry O’Keefe and Nelle Benjamin and a book by Heather Hach. Jerry Mitchell has signed on as choreographer/director.

According to a published report, “High Fidelity” is also to get the musical treatment. Variety says the com-poser on the project will be Tom Kitt, with Amanda Green involved as lyricist.

**THREE CONCERNS**

Atlanta-based entertainment attorney Bobby Rosenblum of Greenberg Traurig says that anyone who mounts these types of projects has three main concerns: trademark rights, copyrights and publicity rights.

“The key is to get the ultimate source to the rights to the musical. If you’re based on a novel, you may have to go back and get the rights from the original author.”

Some people, like Yazbek, see the trend of musicals based on movies as both a blessing and curse. “It’s good if the shows are good, but a lot of this type of musical theatre is really bad, which may turn off audiences.”

Entertainment attorney Owen Sloan of Mansfield & Noonan says, “Morganstern, his firm Berger Kahn adds, “Unfortunately, the trend shows that there may be a dearth of original ideas for musicals. If more musicals based on movies are going to populate Broadway, it’s not healthy for creative people who want to write original books for musicals. But if most of these [film-inspired] musicals become hits, we can expect more of them.”

Meanwhile, there is no shortage of talent lining up to be part of these musicals.

Tony Award-winning composer Marc Shaiman brings the “Hairspray” ("Hairspray") will have similar duties for “Catch Me If You Can.” The “Spider-Man” musical has recruited Tony-winning director Julie Taymor (“The Lion King”) and has approached U2’s Bono and the Edge to write the score.

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‘When You Constrain Consumer Choice, It Just Doesn’t Work’

BY SCOTT BANEERIE

Before Jeff Cavins’ arrival as CEO of Loudeye in March 2003, the Seattle-based company was best-known for its webcasting services and a vast library of digital music samples.

Drawing on his background in technology, broadcasting and entertainment, Cavins turned Loudeye into a top infrastructure provider for retailers of digital media.

“Cavins understands that the technology sector is crucial to the operations not only of online music, but also film, software, games and video,” GartnerG2 analyst Mike McGuire says.

Today, Loudeye claims to be the world’s largest business-to-business digital media company. It has a library of 4.7 million digitized music tracks from major and indie labels. Its clients include MSN, MTV, Coca-Cola, AT&T Wireless, Virgin Megastores, Sony, Apple Computer, AOL, Amazon, Yahoo, Borders Books & Music and EMI.

Earlier this year, Loudeye acquired pioneering European digital music provider On-Demand Distribution (known as OD2) and New York-based Overpeer, a provider of digital media data mining and anti-piracy solutions.

These acquisitions bolster Loudeye’s ability to facilitate digital delivery on the Internet, wireless and peer-to-peer platforms.

Q: You have identified three media platforms that are integral to your business. Which has the most staying power?

A: Wireless is the future. Wireless supports portability; being tethered to a device is somewhat archaic. [Third-generation] networks will provide for wireless broadband. Wireless is the predominant medium for distribution and consumption.

Q: The acquisition of OD2 made Loudeye more of an international player in the digital music market. What lessons can U.S. companies learn from the European experience?

A: Europe is ahead of the United States in certain ways. Many brands started with B2B partnerships with OD2—Wanado, Tiscali, MyCokeMusic. They saw music as a way to extend their brand to a [specific] demographic.

Coke targeted young consumers and created an open Web site architecture that its customers can bookmark. Now it has become one of the most popular digital music services in Europe. It wasn’t intended to be a profit center; it is rather a brand driver.

Europe brings examples that could translate well to the United States. In the States, the online music industry has been led by technology companies like Apple, Real and Sony that have built their own services. For Apple, it’s a way to drive their brand and collateral sales; for Sony, it’s a way to drive consumer electronics sales. But the initial motive to get involved with digital music has to have some sort of [strategic] corporate mandate.

Q: Is there a risk of having too many digital music services attached to brands?

A: [With the Internet] consumers always want more choice, not less. There are 245,000 physical CD retail outlets in the United States. The big ones dominate—Tower, Virgin.

You will see a similar if not greater quantity of online services selling music. Some [of the music] will be given away for free, some of it will be promotional.

But it’s extremely expensive to build out these services; $20 million is the ante. You’re not selling product; you’re selling intellectual property. Here, there are a bunch of rules on the back end that have to be applied, royalties that have to be paid. It’s difficult to do and do well.

Q: What will it take to make the entire Loudeye library of digital music available for purchase?

A: Opening up the licenses. One of the biggest challenges for the music industry is opening up [intellectual property] for distribution.

But this is the first inning of the ballgame. Once we get to the second or third inning, we’ll see opening up of the licenses, not just for [specific] regions but for worldwide access. You’ll see the indices being more aggressive in that space. They are licensing for worldwide distribution, and the majors are very constrained.

About 1.3 million of the tracks in our archive are licensed for digital distribution, and that [number] is growing.

Q: Microsoft recently introduced Janus, a digital rights management technology that allows users of subscription services to move tracks among portable media players. Will subscription portability soon become a reality?

A: You’re going to see the executives at [major] labels open it up once they understand Janus.

Right now, indices are signing and licensing everything for Janus. The majors are having problems with budgets, but it’s not a budget thing—digital distribution for a label costs nothing. It’s an incremental channel; it reaches millions of consumers who have an insatiable appetite for content. And the indices have been forced into it as a result of the constrictions of [intellectual property] distribution available to them.

Q: How can data mining help record companies strengthen their understanding of consumers?

A: The music industry will start to understand that [labels] are intellectual property companies. Their music is IP. Of course there’s the need to market artists and drive A&R, but they are distributing IP online.

They should get out of the business of distribution and replication and manufacturing and outsourcing to [partners.] It is all they understand. Those partners should be able to provide audit data, analytics, consumer trends, usage trends.

Right now, 50% of all the budgets at the labels are dedicated to marketing. But the labels have a hard time telling you who their end users are. The music industry needs a partner that helps it build the supply chain with a certain responsibility to report back with data and analytics.

Q: How important is Overpeer in shifting music fans toward legitimate digital music services?

A: Right now, there are 65 billion transactions occurring in P2P networks each month. [That includes] video, film, software, audio, games. We wanted to understand P2P networks, because that’s where the trends [and the usage] are. That’s also where [you reach] the demographic that everyone wants: the teenager and the college kid.

When we acquired Overpeer, we wanted to understand these amorphous P2P networks, everywhere people spend their time acquiring media. Content protection, interdiction and spoofing only help content owners solve immediate problems.

But we also have technology that [allows] us to drive the peer-to-peer user to legitimate sites. We’ve been educating the labels on why this is good. The problem is that the digital-music service applications are not built to handle the kind of traffic or load we could drive to them.

Q: Do you foresee a time when digital rights management will not be necessary?

A: In a perfect world with compelling services, it is possible that the labels would authorize and sponsor a DRM-less world. It will take time for them to get there. There’s a lot of emotion right now around theft and piracy. It has essentially destroyed an industry.

Q: The digital music landscape is full of stores with proprietary formats tied to a device, most notably Apple’s iTunes service and the iPod. Do you see these closed systems changing as digital music moves to its next phase?

A: When you reduce or constrain consumer choice, it just doesn’t work [in the long term].

But one of the things people have underestimated about Steve Jobs is that he created a closed proprietary system, but he has an opportunity to take this closed ecosystem and make alterations to it at the flip of a switch. It’s a function of him making a decision around business timing. If he does that, I think he could instantly own the industry, and [iTunes could] become the Amazon of digital music. If he keeps it closed, he will still have a successful business, but without the global footprint that he could have.
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