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Maroon 5 is one of the acts that dominated the Billboard Buzz charts in 2004, thanks to its multiformat appeal.

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A wave of Oz R&B artists like Jade MacRae hope to push into the global market in the coming year.

---

**The Art Of The Deal: 2005**

*Industry Lawyers See Major Labels Engage Entrepreneurs*

**BY SUSAN BUTLER**

NEW YORK—The days of record deals with standard contract terms may be over. Industry lawyers report a dramatic increase in the number of deals between major labels and entrepreneurial producers, songwriters, veteran artists and others who develop artists and music.

For lawyers and other negotiators, this means the art of the deal is more important than ever.

**CES Kicks Off Wireless Music Boom**

**BY ANTONY BRUNO**

Starting with the International Consumer Electronics Show in Las Vegas this month and continuing throughout the year, wireless phone vendors are expected to roll out new devices with music-optimized features.

The move stands to boost handset sales. Yet it also holds potential pitfalls for the record and MP3 player manufacturing businesses.

This new generation of devices will feature enhanced internal and external memory storage, faster network transmission speeds, digital-rights-management solutions and superior multimedia functionality, all of which point to the wireless industry's intent to compete aggressively in the portable digital-music player market.

Analysts predict between 8 million and 13.5 million Americans will buy an MP3 player next year—up to 20 million worldwide. The wireless industry—which moved 650 million new phones worldwide last year—wants a piece of that market and plans to use its communication expertise to carve out its niche.
Congratulations

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for their recent Grammy® nominations

Best Male Pop Vocal Performance
Elvis Costello, “Let’s Misbehave”

Best Compilation Soundtrack Album
for a motion picture, television or other visual media
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QUOTE OF THE WEEK
"Michael always asked if he was doing the song the way I wanted. Sinatra never asked me. Streisand certainly never asked me, and [Perry] Como didn't know I was alive."
SONGWRITER ERVIN DRAKE ON MICHAEL FEINSTEIN
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Sanctuary Builds ‘360-Degree’ Biz
Management Shifts Reflect ‘Global View’

BY EMMANUEL LEGRAND

LONDON—The Sanctuary Group is starting the new year with the ambition of globally expanding its “360-degree” model.

The British independent music company made a series of management changes at the end of 2004 that will allow it to “explore every opportunity across all areas,” the global music business, according to Andy Taylor, executive chairman of the Sanctuary Group.

Taylor has elevated Sanctuary U.S. CEO Merck Mercuriadis to the newly created position of group CEO, with Mercuriadis, who will remain based in New York, will focus on all creative aspects of the company worldwide.

“Artist management is at the heart of what we do, and we have always taken a global view,” Mercuriadis says. “We have a good understanding of all our businesses and of the world as a marketplace. We are now giving ourselves the infrastructure to grow the company creatively as well as commercially.”

Having Mercuriadis based in the United States reflects where “the biggest business opportunities are, and it is also our biggest market, so it is a logical place,” Taylor says, adding that Sanctuary will nevertheless remain based in the United Kingdom.

Mercuriadis has worked for 18 years, the last four at the helm of U.S. operations. The stateside business now accounts for almost half of the group’s annual revenue.

Taylor confirms that he will continue as executive chairman on a “long-term” basis, concentrating on overall management, commercial and financial strategy and the company’s relationship with the financial community.

“My role will not fundamentally change,” Taylor says. “I did not have much time to deal with the artistic side of the business. Merck’s new role is to look at all the business opportunities on a (Continued on page 59)

The Year In Video
Next-Generation Formats, Online Rentals Make Waves

BY JILL KIPNIS

LOS ANGELES—High-definition DVD, the strength of software sales, online rentals and the fight against piracy were hot topics for the home entertainment industry in 2004 and will continue to be so in the coming year.

“We’ll be talking about the continued popularity of DVD and the resurgence of rental,” says Bo Andersen, president of the Video Software Dealers Assn. “We’ll still be talking about video rocketeering, but also about how much impact we’ve made controlling it. High-definition DVD will be a topic, and hopefully we won’t be discussing a counterproductive format war.”


“There are a lot of distribution channels sharing in the success,” she says. “Drug- and grocery-store sales of DVD are healthy. I don’t think you will see one channel fall off.”

Studio executives, industry analysts and retailers say DVD sell-through pricing and video on demand will also be important issues.

FORMAT WAR HEATS UP

During the final months of 2004, the competition for market acceptance between Toshiba/NEC/Sanyo’s HD DVD format and Sony’s Blu-ray—which 12 other consumer electronics and PC manufacturers are also developing—reached its highest intensity.

Paramount Home Entertainment, Universal Studios Home Entertainment, Warner Home Video and New Line Home Entertainment announced their support for HD DVD at the end of November. A week later, Buena Vista Home Entertainment got behind Blu-ray. HD DVD and Blu-ray discs are expected to arrive by Christmas 2005.

Each format’s supporters say they based their choice on consumer interests, with (Continued on page 59)

Music Plays Big Part
At Inaugural Fetes

BY BILL HOLLAND

WASHINGTON, D.C.—With the Jan. 20 inauguration of George W. Bush, visitors to the capital were able to swing a cat next week without hitting a ball or party.

Although there will be free daytime festivities open to the public during inauguration week, the closed soirées are the hot tickets.

The nine “official” nighttime balls, all sponsored by states’ societies, command most of the attention. All are closed affairs reserved for the Republican Party faithful, with campaign contributors flying in from all over the country. Most of the balls will be held Jan. 19.

In most cases, the official balls do not serve as showcases for music stars. The music is geared for the attendees’ dancing and schmoozing pleasure. Society orchestras, some sporting the attire of departed bandleaders like Guy Lombardo and Tommy Dorsey, provide two-step and fox-trot fare, sometimes sharing the stage with commercial oldies rock n’ roll bands.

Tickets for the official balls are usually “tiered,” with VIP corporate contributors at the top of the heap. A last-minute ticket (if any can be had) could reportedly cost as much as $250,000—especially for one that includes a photo-op or a private chat with Bush or Vice President Dick Cheney. Average foe tickets were originally listed at $125 but have skyrocketed since.

There are also boatsloads of “unofficial” parties being thrown by lobbying groups all over town, including two late-night entertainment industry wigs: One is planned by the Recording Industry Assn. of America, and the other is by the Creative Coalition, the Hollywood-titting nonprofit arts advocate. This is “not your typical inaugural party,” the RIAA announcement proclaims. “From the people who brought you the Black Eyed Peas at the Democratic Convention and Kid Rock during the Republican Convention.”

The Jan. 20 RIAA bash at the upscale H20 club will be slanted toward a young crowd, with a set by Universal Records act 3 Doors Down. The band’s new album, “Seventeen Days,” will be in stores Feb. 8.

“We’re honored that the RIAA asked us to perform at their inauguration party,” 3DD vocalist Brad Arnold says in the party announcement. “It was great that so many people voted this year—especially young people—and we’re proud to be a part of this event.”

Ticket prices are about $1,000, with proceeds used to pay for the cost of the “serious food, open bar” event, according to an RIAA spokesperson.

The Creative Coalition’s event, also Jan. 20, is called The Ball After the Balls. Macy Gray is the musical headline: Tickets are also $1,000.

While the RIAA and Creative Coalition (Continued on page 59)
Kazaa Under Scrutiny

P2P Companies, Labels Resume Court Battle Jan. 17

BY SUSAN BUTLER

The federal courtroom in Sydney, where expert witnesses have been battling over peer-to-peer network Kazaa since Nov. 29, is quiet until later this month.

The action, brought by the major labels and 25 other record companies worldwide, seeks to stop unauthorized P2P file sharing and recover compensation for past illegal downloads, estimated by some to be in the billions of dollars (Billboard, Dec. 4, 2004).

The suit targets “respondents” Sharman Networks, the Sydney-based owner of Kazaa, LEF Interactive; Altnet, which delivers Kazaa’s service; and two technology directors. The suit centers on Sharman’s Kazaa Media Desktop, which operates on the company’s FastTrack system. The defendants believe that the respondents have, or could have, sufficient control over the system to prevent illegal file sharing. Sharman and its affiliated parties claim they cannot prevent infringements because there is no “centralized” control.

In testimony alarming to copyright holders, a Sharrman witness, professor Keith Ross, revealed that KMD and FastTrack will continue to spread even if both systems are shut down.

There are many graphical user interfaces (GUIs) that operate FastTrack, he explained, including Kazaa, Grokster, Morpheus and X-Files. The GUI, combined with FastTrack, becomes a user program that runs on a single computer. All of these programs on users’ computers share files with each other, he said.

Unlike Napster, which could be shut down, FastTrack cannot be shut down by simply pulling the plug on a centralized server farm,” Ross said.

Ross said that more than 400 million FastTrack user programs have been downloaded. They would still be present for many years in users’ computers, which could keep functioning without an outside server such as KMD, he added.

The “decentralized” architecture of FastTrack is the focus of a separate U.S. action. Operators of Grokster (Grokster Ltd.) and Morpheus (StreamCast) were held not liable for their users’ infringements by the Ninth Circuit Court of Appeals in San Francisco. The U.S. Supreme Court on Dec. 10, 2004, agreed to review this decision (Billboard, Dec. 25, 2004).

An expert for the labels, Leon steroids, said he didn’t accept the distinction between centralized and decentralized capabilities. He believes that a number of measures, although not 100% effective, could be taken to try to exclude unauthorized files. It was a matter of choice, rather than necessity.

(Continued on page 47)

WMG Issues Third Investor Return

BY ED CHRISTMAN

NEW YORK—The new owners of the Warner Music Group, armed with strong financial results from a seemingly flawless turnaround, have raised $2.55 billion in the form of an undisclosed dividend and a repurchase of some of its common and preferred stock.

The bonds consist of $250 million in floating rate notes due in 2011, $250 million in 5.45% senior discount notes due in 2014 and $200 million in floating rate notes due in 2014.

“This was a deal done on the come,’ driven by cost cuts,” says Bishop Cheen, a director of Charlotte, N.C.-based Wachovia Securities. “Certainly this is a management move with growth.” It has been a very fast, high-flying story that investors can tune in and listen to.

‘ABOUT AS GOOD AS IT GETS’

The return to investors represents WMG’s third since Edgar Bronfman Jr. and Thomas H. Lee Partners led a group in acquiring the company on Feb. 29, 2003, from Time Warner in a leveraged buyout. When the bridge financing used to acquire the company was replaced, equity investors—who initially put in $1.25 billion toward the $2.6 billion acquisition—got back about $202 million; then, in October, they received another $350 million cash payout.

With the latest refinancing, the new WMG owners have raised $2.55 billion in debt and have paid back the original equity investors about $1.23 billion, which leaves about $20 million in the company. “This has been just about as good as it gets for equity sponsors,” Cheen notes. “And there is another big pay-off when they get to monetize the private equity,” maybe through an initial public offering.

STEADY IMPROVEMENT

Since its acquisition, WMG has shaved some $240 million in annual overhead, reporting improved financial performance for the 10 months ended Sept. 30, 2004. Its net loss for that period was $136 million on revenue of $2.5 billion, compared with a net loss of $239 million on revenue of $2.06 billion in the corresponding 10 months of 2003. Operating income before depreciation and amortization increased to $219 million from $175 million in the previous year.

Billboard estimates that WMG’s current debt service is $120 million-$130 million annually. With Wall Street expecting OIBDA to exceed $500 million annually after the company pays for its cost cuts, there would be plenty of room for it to maintain the 2-to-1 ratio of OIBDA to interest payments required by its loans and bonds covenants.

At the end of September, shareholders’ equity was listed on the balance sheet at $978 million, but that was before the $350 million payout and the $680 million replacement, equity investors—who initially put in about $1.25 billion toward the $2.6 billion acquisition—got back about $202 million; then, in October, they received another $350 million cash payout.

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IFPI To Host Fifth Platinum Awards Show

BY LARS BRANDEL

LONDON—Europe’s leading music executives and top policy-makers have a lot to catch up on.

When the record industry gathers next summer in Brussels for the IFPI Platinum Europe Awards, the occasion will provide the first such opportunity in three years.

An initiative of the International Federation of the Phonographic Industry, the fifth biennial gala will take place July 12 at Hotel Le Plaza, providing an essential platform for industry leaders and artists to meet and greet Europe’s political heavyweights in an intimate surrounding.

“Politicians enjoy coming. They have a good evening, and it’s good for us that they see what we do,” IFPI chairman/CEO John Kennedy says. “When I was there last time, I sat next to [then-European Commission competition commissioner] Mario Monti. I had a very interesting conversation with him. He asked me for some clarification on a number of things, while we were all in a good party atmosphere, and it was a good exchange of views.”

Senior music executives and politicians including former EC president Romano Prodi and VP Neil Kinnock were among the IFPI’s guests that night. Artists present included Britain’s Craig David, Germany’s Westernhagen and France’s Helene Segara and Henri Salvador. Special awards were given to tenor Luciano Pavarotti and Band Aid activist Bob Geldof.

The gala recognizes artists whose shipments in Europe have exceeded one million units. A total of 736 albums have qualified for platinum status since certifications began in 1996. For the first time this year, the IFPI has opened the qualification process to nonmember companies and their artists.

NEW FACES

Much has changed since the last IFPI gala in July 2002. Back then, there were five major record companies; now there are four. And on Jan. 1, Kennedy succeeded the trade body’s longtime chief, Jay Berman, who has relocated to his native United States.

On the other side of the party, changes at the European decision-making level have been no less important. The European Union expanded in May 2004 to include 10 new members, mostly from Eastern Europe.

The summer saw the election of a larger European Parliament, while a new lineup at the EC, the EU’s executive arm, was appointed in August. Both bodies are crucial to legislation affecting the music business, Kennedy says.

The Commission has some important new faces, including president (Continued on page 61)
Ray Charles

GENIUS LOVES COMPANY

- ALBUM OF THE YEAR
  John Burk, Terry Howard, Don Mizell, Phil Ramone & Herbert Waltl, producers
- RECORD OF THE YEAR
  HER We Go AGAIN
  (duet with Norah Jones)
- BEST POP VOCAL ALBUM
- BEST POP COLLABORATION WITH VOCALS
  SORRY SEEMS TO BE THE HARDEST WORD
  (duet with Elton John)
  HER We Go AGAIN
  (duet with Norah Jones)
- BEST TRADITIONAL R&B VOCAL PERFORMANCE
  SINNER'S PRAYER
  (duet with B.B. King)
- BEST GOSPEL PERFORMANCE
  HEAVEN HELP US ALL
  (duet with Gladys Knight)
- BEST INSTRUMENTAL ARRANGEMENT
  ACCOMPANYING VOCALIST(S)
  OVER THE RAINBOW
  Victor Vanacore, arranger
- BEST ENGINEERED ALBUM, NON-CLASSICAL
- BEST SURROUND SOUND ALBUM

Ray Charles duets with Natalie Cole
Elton John, Norah Jones, B.B. King, Gladys Knight, Diana Krall,
Michael McDonald, Johnny Mathis, Van Morrison, Willie Nelson,
Bonnie Raitt, James Taylor

Ozomatli

STREET SIGNS

BEST LATIN ROCK/ALTERNATIVE ALBUM

Monica Mancini

ULTIMATE MANCINI

BEST TRADITIONAL POP VOCAL ALBUM
BEST POP COLLABORATION WITH VOCALS
Moon River, Stevie Wonder & Take 6

Chick Corea Elektric Band

"TO THE STARS"

BEST INSTRUMENTAL ARRANGEMENT
The Long Passage
arranger: Chick Corea

CONCORD RECORDS
www.concordrecords.com
Usher, Maroon5 Among Biggest Buzz Generators

BY BOB SMITH

The first installment of the Billboard Buzz came in April 2004. Since then, artists have come and gone from the top 25 in each chart. This year-end list is a collection of those who have stayed mostly hot throughout the past few months. These are the artists who have managed to remain in the public eye—at least most of the time.

The reasons some have stayed on top are obvious. Usher and Maroon5 have managed to hit records and the enormous media exposure that comes with

A Very Digital Xmas

BY BRIAN GARRITY

NEW YORK—In an apparent response to a big gift-giving year for iPods and other MP3 players, digital music enjoyed breakouts business during the two weeks before Christmas.

U.S. sales of digital tracks hit a record 5.04 million transactions for the week ending Dec. 26, Nielsen SoundScan reports. The amount sets a new high for a seven-day span.

Some artists tipped up by more than 1 million tracks week over week, smashing through a ceiling established just seven days earlier, when 3.9 million tracks were sold during the week ending Dec. 19—a record at the time.

During the week of Dec. 26, four songs surged by more than 1 million tracks week week over week, smashing through a ceiling established just seven days earlier, when 3.9 million tracks were sold during the week ending Dec. 19—a record at the time.

During the week of Dec. 26, four songs surged by more than 1 million tracks week week over week, smashing through a ceiling established just seven days earlier, when 3.9 million tracks were sold during the week ending Dec. 19—a record at the time.

Green Day’s “Boulevard of Broken Dreams” (Reprise) took the top spot on Hot Digital Tracks, with 28,456 sold.

The 4 million and 5 million weekly download milestones mark the fastest growth in Nielsen SoundScan’s brief history of monitoring digital track sales.

(Continued on page 47)
After Taking Europe & Australia By Storm, The Ground-Breaking Group That Has Everyone Talking Hits U.S. Shores...

SOWETO GOSPEL CHOIR

Soweto Gospel Choir's infectious blend of African and Pop stylings will be on display during their extensive 35-city U.S. Tour beginning January 28th!

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THE HERALD SUN

For Tour Dates And More Exciting News About Soweto Gospel Choir, visit:

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With Strength In Numbers, Indies Have Cause To Celebrate

Indies Find Their Voice

By Lesley Bleakley

New Order

by Anthony Colombo

Letters

Allen, Mercurial Mighty

I just read the 110 Musical Milestones and was so disappointed you didn’t include my brother, Robert Allen. In 1969, Newweek dubbed him the best songwriter in the country. By that year, he had written “Chances Are.” “It’s Not For Me To Say,” “Moments to Remember.” “Home for the Holidays.” “No, Not Much” (and “Everybody Loves a Lover.” He sold more than 18 million records. Maybe you overlooked a real giant in the music business.

Patty K. Allen

In reference to your 110 Musical Milestones (Billboard, Nov. 24, 2004), look for promotion. You must respect the value of music; otherwise, our business will cease to exist. Ultimately, the cyber world has been a great leveler for the industry; it allows the dissemination of information at a reasonable cost—regardless of whether you’re a major or an independent.

The past 12 months were full of exciting music, and 2005 is looking even better. And yes, I remain passionate about the independent label business, too. I’m thrilled that the Domino Records’ Franz Ferdinand and the Danish band Jon Lily have won the Mercury Prize.

Group for partnerships in the future, rather than giving the major-label route. With Interpol, we have really proven something. So you’re doing well. I think with other acts. It’s possible for an independent to remain an independent.

This reality, however, still seems to elude many major-label A&R execs. It’s damn rude when they sniff around bands that are already signed to smaller labels. It shows no respect for what independents do. When these bands appear on the radar, majors—seeing increased CD sales—suddenly begin interested.

We know majors can offer bands a lot more money than independents. But it’s difficult that majors can offer a band the fruitful relationship we independents can. At the end of the day, we are passionate about the music we are sharing with the world.

Lesley Bleakley is CEO of Beggars Group North America and co-founder of the American Assn. for Independent Music.

keitons@optonline.net
SHERYL CROW
"The First Cut Is The Deepest"

ROBBIE ROBERTSON
"Shine Your Light"

ALANIS MORISSETTE
"Everything"

ASHLEE SIMPSON
"Pieces Of Me"

KELLY CLARKSON
"Breakaway"

MELISSA ETHRIDGE
"Breathe"

MICHELLE BRANCH
"Are You Happy Now"

STING – ANNIE LENNOX
"We'll Be Together Tonight"

ANASTACIA
"Welcome To My Truth"

HILLARY DUFF
"Come Clean"

Coming in 2005

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Crow's Got One For Pop And One For Art

Sheryl Crow is coming back with a vengeance. After sitting out much of 2004, she has not one, but two albums ready to go for 2005. "I want to put out an artist record first and then a pop record in the fall," she says. "I'm going to hand both my records in. [Interscope] probably in the last bit of January."

So what makes an "artist" record different from a "pop" record? Crow laughs and says, "Probably the art relationship with cyclist Lance Armstrong, she says, is no surprise that her mood is upbeat these days—and it shows in her music.

"I am writing a lot more love songs because I'm really happy in my life, and I'm in a really positive relationship, but there's also so much stuff to write about in the world. It's a really interesting time to be an artist."

She adds that any performer now has to guard against the cult of celebrity. "People are having such an adverse reaction to celebrities that to be a celebrity is a negative term, and to be an artist, you have to fight that part of it. For me, in order to find a way to reach people in a medium that's based on commerciality, but to also say something, is a real interesting question and really exciting."

She speaks the truth: She's a woman of her word. Evanescence's Amy Lee told the Beat last year that she suspected it would take some time for the group to follow up its mega-hit "Fallen," which has sold 6 million copies in the United States alone, according to Nielsen SoundScan.

"I knew it was going to take a while, and it is. We're obviously taking longer than the average band," she tells Billboard. "But the good news is that progress is being made."

Lee stresses that in addition to writing individually, the members have done a little collaborating. "(Continued on page 16)"

By Todd Martens

Saddle Creek Records received a finished album from Bright Eyes last February and prepped the set for a summer release.

But then Bright Eyes principal Conor Oberst had other ideas.

He went back into the studio and recorded enough songs for a second set. Unwilling to scrap or combine any of the material, Oberst told his Omaha, Neb.-based label he wanted to release two separate albums—on the same day.

"We felt like, 'Why not kill two birds with one stone and put it all out there?'" Oberst says.

On Jan. 25, Saddle Creek will release "I'm Wide Awake It's Morning," an acoustic-driven record with country undertones, as well as "Digital Ash in a Digital Urn," which explores a more electronic, beat-heavy sound.

While "I'm Wide Awake" was recorded in about 10 days, Oberst and producer Mike Mogis spent three months in the studio for "Digital Ash," creating what Oberst describes as a "drugged-out, psychedelic thing." Oberst was

(Continued on page 16)

Conor Oberst of Bright Eyes convinced Saddle Creek Records to treat his two simultaneous releases as separate entities.

24
UMPC's Latin sector ventures into recording with Jay Lozada's 'Jamás Perse'
Littrell Prepsum For Christian Bow

Brian Littrell of multiplatinum group Backstreet Boys will make his foray into the Christian market next fall with the release of a solo album on Provident Music Group's Reunion Records.

"I'm very fortunate to have a label who is willing to work with me and use the resources with the Provident label," Littrell says of Jive's support, noting that Barry Weiss, president/CEO of Jive Group, "has known in his heart where my heart has always been.

He adds that Weiss and former Jive owner Clive Calder told him, "Brian, this is something that you will be doing someday."

Littrell grew up attending a Baptist church with his family in Lexington Ky., and moved to Orlando, Fla., at 18 to join the Backstreet Boys, along with his cousin Kevin Richardson. When he decided to record a Christian album, Littrell's attorney approached Provident Music Group president/CEO Terry Hemmings about a deal. Little did Hemmings know how much he and Littrell had in common.

"We are both Lexington natives," Hemmings says. "My dad is a doctor, and his mother was a nurse for my dad for a long time. We knew we were both from the same hometown; I just didn't know that connection was there."

Hemmings is happy to have Littrell as part of the Provident family. "Being a Christian artist is about the artist's intent," he says. "We aren't trying to exploit something. We are trying to give Brian a platform to say something that is very important to him to say as a part of his music."

At press time, Littrell was talking to producers but hadn't nailed anyone down. He does have some songwriters in mind, though. "I would like to collaborate with Michael W. Smith," he says. "We've been talking about that for years, and now we can start getting these things in motion. I'm looking for outside stuff, and I've got a lot of material in my head as well."

Littrell hopes his record will encourage others to be open about their faith. "I want to say, 'Don't be afraid. Stand up for what you believe in,'" he says. "'Don't be afraid to tell your friends that you believe in the higher power.'"

Littrell says marriage and fatherhood have strengthened his faith. "My values have changed. I'm in a selfless situation rather than a selfish situation because it's not about me anymore, and that's the way I want my career to be. It's not about me. It's about God."

Hemmings has high expectations for Littrell's project. "We have not taken an artist with 7 million records under his belt and done this before," he says. "But there's such great confidence in Brian. He's genuine and real. People will see that. I know he can sing. We all do. I think people will be interested in buying the record."

NEW DEAL: Kevin Max, who rose to prominence in the ground-breaking trio dcTalk, has inked a deal with Orange County, Calif.-based Northern Records. He will begin recording his label debut in the spring.

Booked by Creative Artists Agency, Max has a busy 2005 touring schedule, including appearances in Brazil this month, a headlining date at New Zealand's Noise Conference in April and a 10-city European outing in May.

Max has released two solo albums since he and dcTalk partners Michael Tait and Toby McKeehan took a hiatus from the group to pursue individual projects.

ON THE ROAD: Point of Grace will tour in the spring with Scott Krippayne and newcomer Charity Vones. On the 1 Choose You tour. It kicks off Feb. 3 in Woodbridge, Va., and will hit 30 U.S. cities through April. In addition to playing individual sets, the three acts will perform together. The outing is booked by David Breen of the Brown Agency.
Lawyers Predict More Opportunities In 2005

As 2004 drew to a close, Billboard talked with a number of industry lawyers about the types of deals crossing their desks and their thoughts on the year ahead.

Optimism predominates. Copyright theft is an ever-present undercurrent, but new opportunities are the main issues occupying the minds of deal makers.

OPPORTUNITIES: Laurie Soriano has seen an "incredibly rapid movement toward branded entertainment."

A partner with Manatt, Phelps & Phillips in Los Angeles who represents entertainment and advertising clients, she says that artists who were merely "open" to possible associations with soft drinks, clothing lines and other products are now aggressively seeking these tie-ins.

For artists who want to change their image, begin selling to a new demographic or increase their exposure when their labels aren't pushing for them, branding presents a great opportunity, she says.

With the new trend of selling CDs through such nontraditional retail outlets as Starbucks, Banana Republic and Hallmark stores, the cross-pollination of entertainment and brands can really work to artists' advantage.

For songwriters and publishers, the Broadway success of "Movin' Out" (featuring the music of Billy Joel) and "Mamma Mia" (which incorporates catalog from ABBA) has led to a surge in musical theater projects, Soriano adds.

COOPERMAN: INDUSTRY IS WRESTLING WITH DIVIDING RINGTONE REVENUE

There are "a ton of projects being developed based on all kinds of catalog music." Potential market saturation is her only hesitation about predicting their overall success.

The master ringtone market is also sweeping into the lives of many lawyers. While aggregators initially sought only superstars, "name" artists who don't have current record deals and some unsigned artists whose music is considered "cool" are fielding offers to record music for ringtones.

CHALLENGES: Although revenue from the U.S. ringtone market is becoming significant, the industry can't seem to agree on fair division of the pie, says Jim Cooperman, executive VP of business and legal affairs for Wind-up Records and former co-general counsel for BMG.

To license their rights, publishers want a certain amount that labels think is too much. Record companies want a certain price that publishers believe is too high. Artists are protesting the way labels are categorizing new-media use—often treating ringtones as a "sale" (triggering the artist royalty rate) rather than a "license" (generating a fee often shared equally with the artist).

"Even if major labels and publishers reach an understanding," Cooperman notes, "it doesn't bind the independent companies. If you get all the majors to accept an approach and then go to Congress, you may have the critical mass to get Congress to adopt what you've negotiated."

That's a gamble, however, because there is no guarantee that Congress will adopt the specific arrangement, he warns.

This uncertainty affects the practices of many lawyers. For Linda Edell Howard, a partner with Stokes, Bartholomew, Evans & Petree in Nashville, this is the first time in her career that she finds herself answering questions concerning rights and revenue streams with, "I don't know, and nobody knows."

This means that parties are wrestling over rights and pricing for recordings, compositions, artwork and artists' voices, names and images.

The sometimes-heated negotiations involve all sorts of new uses. They include Internet sites (streams, permanent downloads, tethered downloads, subscription services) and videogames, retail kiosks, cell phones (including visual images on screens), DVDs and DualDiscs.

(Continued on page 61)

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Initially, Nansel says, the label will focus its efforts on “I'm Wide Awake,” since it is more representative of Oberst's past work. Largely singer-songwriter-oriented, “I'm Wide Awake” features contributions from Emmylou Harris and Jim James (My Morning Jacket).

Come spring, Saddle Creek will switch its focus to “Digital Ash.” Each Salam will receive a video and its own tour. A more intimate January outing will visit theaters, and a spring trek will feature a collaboration with labelmate the Faint, which will back Bright Eyes on the more electronics-leaning songs.

CLEAR CHANNEL NOT INVITED

Despite Oberst's grassroots success and dedicated following, booking a Bright Eyes tour isn’t easy. Oberst refuses to play venues affiliated with Clear Channel Entertainment and has publicly denounced what he believes is the label's lack of support for indie artists on its radio stations.

“We’re going to avoid the old CC,” Oberst says. “There are some cities we just can’t go to anymore. We’re going to make it work, even if we have to get royalties.”

The decision to shun CCE is one Oberst has discussed with his booking agent, Eric Dimenstein of Ground Control Touring. “I walked him through the repercussions of doing such,” Dimenstein says. “He’s steady in it, and I need to respect it and follow his wishes.”

Dimenstein had no problem booking the “I’m Wide Awake” tour, since it lends itself to theaters and nontraditional venues. For the spring outing with the Faint, however, he is shooting for midsize venues with general-admission floors, making it more difficult to avoid CCE. “Some cities just don’t have that available, given the no-CCE restrictions placed upon me,” Dimenstein says, “but it will work out.”

The Beat

Continued from page 13

started working with [guitar player] Terry Balsamo, only for about 10 days. I taught myself Pro Tools, and we started recording. I was engineering, and it was really cool. He brings some thing totally different to the table; that’s what I was hoping for.” Balsamo replaced co-founder Ken Moody, who left the band in late 2003.

Lee won’t reveal much about the new tunes, but adds, “Trust me, it still sounds like Evanescence, but you can’t just keep making the same music. We’re still in the beginning stages. I don’t know when we’re going into the studio. Nothing’s scheduled.” She predicts a Wind-up release around the end of 2005.

Lee said she loved Gwen Stefani’s solo project from 2004, but she doesn’t ever see herself going that route. "I go to express myself completely in Evanescence, so there isn't any reason to do a solo project. If I said, 'I want to stop Evanescence for a while and do something different,' it would be something totally different. I would become a painter or go into social work or write scores for movies or be a choir teacher. I really want to write choir music and teach a college choir.”
KINCH: BRINGING GENRES TOGETHER

Jazz/HiHop Fusion A Cinch For Kinch

When 26-year-old U.K. saxophonist Soweto Kinch made his North American performance premiere Dec. 7 at the Jazz Gallery loft space in New York, he made a strong case for himself as the missing link between hip-hop and jazz.

These two vital branches of African-American music have never quite been reconciled, despite dozens of attempts by jazz explorers and hip-hop freestylers.

Kinch was a natural as he and his quartet opened the first set with a rap-jazz welcome, then effortlessly and dynamically swung into a post-bop instrumental driven by alto and tenor gales.

Last spring, Kinch performed to great acclaim in a large, dance-friendly venue at the North Sea Jazz Festival Cape Town in South Africa. But to see him in a small space in front of 40-50 curious New York jazz aficionados (including saxophonist Ravi Coltrane) was a testament to his versatility and charisma. Kinch blew smoky lyrical lines, frothy riffs, billowing angular runs and even ready guffaws similar to a trumpeter’s laugh. But he also flew into a jaunty, whimsical rap, “Jazz Planet,” that imagined what the world would be like if jazz were the prevailing force of authority.

Kinch’s debut CD, “Conversations with the Unseen,” was released in the United States last fall on London-based Dune Records and distributed by Synergy after racking up an array of awards in the United Kingdom in 2003, including a Mercury Prize nomination for album of the year.

“When I was younger, I was listening to Bird and freestyling every day in a hip-hop group,” Kinch says. “When it came to making my first album, all my friends said it would be a crime if I didn’t address both parts of my identity,” he says. “So I took the chance, without compromising the integrity of either art form.”

Kinch says he has witnessed plenty of jazz-rap experiments that resulted in a tepid fusion. He also believes hip-hop has lost its creative edge. “The big stars of the music have conformed, so there’s far less room for bohemian, quirky, left-of-center music,” he muses.

Onstage for a couple of numbers was U.S.-born, London-based trumpeter/vocalist Abram Wilson, whose impressive debut CD, “Jazz Warrior,” will be released stateside Jan. 11 by Dune/Synergy.

KELLAWAY PLAYS DARIN: While the Bobby Darin biopic “Beyond the Sea” is getting notice for Kevin Spacey, the film is also generating well-deserved attention for the accompanist behind the scenes, Roger Kellaway. A jazz pianist par excellence, Kellaway was Darin’s musical director in the late ’60s. He helped Spacey prepare for his role and toured with the actor/singer in December. On Jan. 18, IPO Recordings will release the sublime instrumental collection “I Was There: Roger Kellaway Plays From the Bobby Darin Songbook.”

2005 HEADS UP: Out with the old, in with the new. While action on the jazz tip crawled at the end of 2004, the new year is booming and bumping.


Two Verve recording dates offer promise: In December, John Scofield recorded a tribute album to Ray Charles with a band comprising Willie Weeks, Steve Jordan and Larry Goldings and special guests John Mayer and Mavis Staples. And Jan. 6-9, Shirley Horn will do a live recording at swank New York club Le Jazz au Bar for a May release.

On Feb. 1, Blue Note’s brilliant young pianist Jason Moran will deliver another superb outing, “Same Mother,” a blues-infused, avant-inflected disc with his trio, plus guitarist Marvin Sewell. Vocalist Cassandra Wilson is working with producer T Bone Burnett on her new CD, and Joe Lovano has a new gem, “A Joyous Encounter,” again with piano elder Hank Jones.

Concord Records launches a trio of fine CDs this quarter, including the exhilarating “Legacy,” the first studio date featuring the two Hammond B-3 bombers Jimmy Smith and Joey DeFrancesco. It also has rising-star jazz vocalist Curtis Stigers’ dark-toned beauty “I Think It’s Going to Rain Today” and the two-CD live all-star celebration “85 Candles,” recorded at Birdland in 2003 in celebration of Marian McPartland’s 85th birthday.


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Music

New Deals Heat Up The Competition In San Diego

BY RAY WADDELL

Hot concert spot San Diego could get even hotter.

The announcement that former House of Blues Concerts VP John Wojas has joined Viajes Entertainment in nearby La Mesa, Calif., indicates that competition in the market is heating up.

HOB has been the prominent promoter in San Diego, Southwest region VP Chris Moore and Southwest region talent buyer Candace Mandracia will continue to handle booking and promotion for HOB in the market, including programming the Coors Amphitheatre in Chula Vista, Calif.

Also active to varying degrees in San Diego are AEG Live's Golden voice, Clear Channel Entertainment and Nederland.

As a result of Wojas' departure from HOB's San Diego office, Viajes has severed its booking/promotion relationship with HOB and has entered a two-year deal with Avalon Attractions, the Southern California operation of CCE.

Under the new CCE deal, Viajes will book concerts at the San Diego Sports Arena beginning this year.

Viajes is owned by the Viajes Band of Kumeyaay Indians and has specialized in booking Native American-owned casinos, including the Viajes Casino in Alpine, Calif.

Viajes president Steve Redfearn, like Wojas, is a veteran of Bill Silva Presents, a San Diego promoter that HOB acquired in 1998. Redfearn has also made stops at Nederlander, MCA Concerts and the Pacific Amphitheatre in Costa Mesa, Calif.

“Our core business is the tribal business around the country and will continue to be,” Redfearn says. “We’re excited about working with the [San Diego] Sports Arena, but the arena business is always dictated by who’s touring.”

For Avalon, the Viajes deal gives CCE a local base of operations that will likely lead to a more aggressive posture in the San Diego market.

HOB MAINTAINS STRONGHOLD

Meanwhile, HOB is the exclusive promoter for such San Diego venues as the L A Times Open Air Theatre at San Diego State University. The company also owns and operates the Coors Amphitheatre.

Other venues in the market where HOB, as well as other marketers, is a factor include the House of Blues, the San Diego Bay, the House of Blues in Costa Mesa, and the entire Southwest region.

“Chris Moore and Candace Mandracia will continue to provide the excellent service to the touring artists and the concert-goers in San Diego that is signature to all the House of Blues offices and teams,” Hodge's tells Billboard. “Candace and Chris will coordinate with the House of Blues talent teams in Los Angeles, as well as acting independently in the market.”

Hodges points out that HOB is active in Arizona and New Mexico, exclusively booking the Sandia Casino in Albuquerque. “Our Los Colinas office began booking the Coors Amphitheatre in San Diego and Las Vegas, including the Universal Amphitheatre,” which is an exclusive HOB room, Hodges says.

HOB has its own club, with locations in Los Angeles; Anaheim, Calif.; and Las Vegas. A San Diego club will open in spring. The eighth HOB club opened in November in Cleveland.

Sting Targets Younger Crowd, Smaller Markets

BY JILL KIPNIS

LOS ANGELES—Sting is going back to school.

His stripped-down Broken Music tour has many college campuses on its route, and ticket prices are lower than those of his previous outings.

Tour organizers say younger crowds, who may have skipped Sting's recent higher-priced Sacred Music tour and his dates with Ani Lennox, will be more likely to attend Broken Music because of the reason- able ticket prices.

Additionally, Sting will be playing many markets and venues for the first time.

‘A DIFFERENT FEEL’

“If you follow Sting’s career, you know that he has a history of shaking things up,” says his manager, Kathryn Schenker. “Going back to playing colleges for the first time since the Police days is almost like starting over again.”

The tour is promoted by Clear Channel Entertainment and produced by RZO Entertainment.

Arthur Fogel, president of TNA International, which is CCE’s touring division, says Broken Music is a “whole different feel to a leg of a tour for Sting. We’ve obviously approached this leg with a different ticket-pricing sensibility, given the markets and venues we are playing. That, in combination with the show itself, will appeal to a younger audience.”

Fogel notes that the average price is in the $40 range and that some seats are as low as $29.50.

“The ticket price was a sensible one being in mind we are playing mostly on college campuses,” Schenker says.

Broken Music will feature Sting playing bass in a four-piece band with guitarists Dominic Miller and Shane Fontayne and drummer Josh Freese. Epic Records band Phantom Planet will serve as the opening act.

The tour begins April 1 in California at the San Jose State University Center at the University of Montana in Missoula, April 7. Additional dates will be played at Prospector Place in Kelowna, British Columbia (April 5); Idaho Center in Boise, Idaho (April 9); and the Borgata Hotel Casino & Spa in Atlantic City, N.J. (April 29 and 30).

Before embarking on the tour, Sting has shows scheduled in South- east Asia, Japan and Australia; the dates begin this month and run through mid-February.

Though Sting toured extensively in 2004, Fogel believes there are untapped audiences that Broken Music will target.

Sting had the No. 7 grossing tour of 2004 according to Billboard Boxscore. His Sacred Love dates, combined with his summer tour with Lennox, grossed $52.4 million. Attendance was 222,520 for the 77 shows reported to Boxscore, with 34 sellouts.

VISITING MARKETS NEW AND OLD

Broken Music includes such first- stops as Columbia, Mo., Fogel says, as well as markets Sting has not played recently, like Salt Lake City.

The strategy has paid off, with strong ticket sales four months before show dates. Indeed, Schenker says that “just days” after 11 shows were put on sale Dec. 4, “all are almost sold out.”

Mark Powell, director of marketing for the Delta Center in Salt Lake City, says that Broken Music “came out stronger than we thought it would. We immediately sold out of our [top-tier] seating the morning of on-sale, and we ended up making a quick decision to move the stage back and add seats.”

The average seating capacity for the tour is 6,000-7,000.

Powell says Sting will play at the Delta Center’s Nu Skin Theater, which offers a more intimate setup, with a capacity of about 6,800. As of mid-December, about 5,000 tickets have been sold for the April 11 date, according to Powell.

Tour organizers and venue managers predict the lower ticket price for Broken Music will beckon new and established fans.

“Sting is a special-event marketing and booking for Mizou Arena at the University of Missouri in Columbia, says the show is ‘a lot right for our market. Though this is a campus tour with good initial sales, I expect a big increase after school starts up again.”

Graff also notes that Sting’s show “lends itself really well to a college campus. I think most college towns are more vibrant and open-minded, with a more youthful feel.”

Though Sting played in nearby cities like St. Louis in 2004, Graff expects that many of those concert-goers will come to Columbia to see the artist again with a different setup.

Fogel’s promotion strategy involves directly targeting a younger crowd.

“We work with campus newspapers and all the obvious ways to get to that audience directly on campus,” he says. “We’re working to have a stronger, certainly to a much greater extent than on the past year’s touring, were we went broader and to an older demographic.”

Following the conclusion of the Broken Music tour, Schenker says Sting will “take a well-deserved break.”

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BILLY BASS 2005

18
A Year's Worth Of Good And Bad

The Damageplan tragedy at the Alrosa Villa in Columbus, Ohio, is still too horrific and too fresh to properly assess. But I do believe this: the incident is not the fault of metal music, hard rock clubs, videogames, the U.S. Marines, tattoo parlors, youth culture or Pantera fans. We all love our favorite bands. But please, managers and artists: While inspiring devotion is encouraged, communicate to your fans it's only rock 'n' roll.

And now, on the Road offers a holiday toast to:

BEST IDEA OF 2004: Clear Channel Entertainment's move to eliminate facility fees for lawn seats at its sheds in 2005. While there are always naysayers who complain that the move is much ado about nothing, the fact is, anything that reduces add-on to ticket prices is a good thing. The challenge will be communicating the policy to fans, who seem to be somewhat less than enamored about the shed concept.

A two days when it was far less than a home run at one day in 2002. The bad news is that one of the more successful brands in concert history has been seriously damaged and is now seen as the new poster child for poor ticket sales (replacing

THE JURY IS STILL OUT: 0x0 Concerts. Cellar Door. Bill Graham Presents and other vintage concert brands still resonate with consumers. Clear Channel Entertainment is banking that at least some fans may get the warm-and-fuzzies. Our own survey, among others, shows that concertgoers don't care who promotes a show. But at least the CCE brand will be less ubiquitous in 2005.

Will ex-CCC CEO Dave Lucas' new Lucas Entertainment Group get the funding it needs and gain a foothold in a market already populated (some say overcrowded) with national promoters?

GOOD TIMES: With U2, Paul McCartney and possibly the Rolling Stones, Neil Diamond and Barbra Streisand all on the road in 2005, it is going to be another exciting year. We are also hearing that a summer stadium package headlined by Eminem and 50 Cent might play Europe and the United States. If this powerhouse bill plays a significant number of dates, it would be a show-in for the top-grossing hip-hop tour ever.

RESOLUTIONS: I can proudly say I kept my 2004 resolutions, namely not to say "absolutely," "amazing," "at the end of the day" or that a tour would "kick off." For 2005, I promise not to say "yeah, yeah, yeah" really fast. I will, however, continue to say "yo" and "dude."
TrakStarz, Background Team On Label

BY GAIL MITCHELL

Production duo the TrakStarz has formed a joint venture with Blackground Records. Under the terms of the three-year deal, the pair will sign and develop talent through its label, TrakStarz Records, as well as release its own album. Aside from the Blackground association, the TrakStarz will maintain existing song deals with Interscope and Capitol Records.

The St. Louis-based team of 26-year-old Alonzo “Zo” Lee and 29-year-old Shamar “Sham” Daugherty gained national attention after writing and producing the track “Jack,” the multi-platinum album debut of Capitol rapper Chingy. The July 2003 release has sold more than 2.8 million units, according to Nielsen SoundScan.

In addition to “Jackpot”—paced by the crossover hit “Right Thru It”—the TrakStarz collaborated with Chingy on his sophomore set, “Powerballin’.”

Blackground founder and CEO Barry Hankerson said in a statement, “The TrakStarz have shown an incredible ability to recognize fresh talent and to partner with those artists to create a unique sound. Signing them to their own label deal made perfect sense.”

The TrakStarz has been distributed by Universal Records since 2001. The label’s roster includes JoJo, Toni Braxton, Tank and the late Aaliyah.

“We thought Barry was the logical choice to go with,” given his experience in helping producers like Teddy Riley, R. Kelly and Timbaland grow,” Lee says.

The TrakStarz, he adds, aim to “bridge the gap between St. Louis and the industry.” The Missouri city is also home to another multi-platinum rap artist, Nelly and the St. Lunatics. Among the St. Louis talent on the TrakStarz Productions roster are teen rapper Louis V, female R&B group STL, rap duo 2 Deep, male R&B singer JuJu and male rapper Starr 47.

“They are really exploring what we can do,” Daugherty says. “That’s why we want to stay close to this source and create a new pipeline. We want to be able to do what Dr. Dre has done: help artists realize their full potential.”

Producers

Jerkins Embraces ‘Versatility’ Of New Writers

Producer Rodney Jerkins is adding a twist to his instrumental solo album, “Versatility” (Rhythm & Blues, Billboard, Oct. 9, 2004).

The tracks range from R&B and hip-hop to smooth jazz, dancehall and club. Three singles will go to radio simultaneously. There’s the dancehall-ribbed “Overture,” the club-oriented “Shake It for Me” and the marching band-flavored “Wake-Up Call.” The album, whose release date will be announced shortly, will be distributed through Bungalow Universal. Jerkins is also considering reissuing “Versatility” with the writers’ songs.

Novel songwriters, the opportunity to collaborate with seasoned professionals is reminiscent of Jerkins’ previous association with tonos.com. That site, operated by Carole Bayer Sager, David Foster and Kenneth “Babyface” Edmunds, had a “mentor” section that let aspiring composers showcase their artistry and share perspectives with such producers and songwriters as Jerkins and Diane Warren. Tonos shut down in 2003.

“This really isn’t about my tracks or my production shining,” Jerkins says. “It’s about giving people an opportunity to do their thing as well as an outlet to get their material heard. I want to create new avenues for new talent.”

On the Road With Missy: UPN’s new reality series “The Road to Stardom With Missy Elliott” premiers Jan. 5 (8 p.m.-9 p.m., ET/PT). Judging from the engaging first episode, contestants and viewers both are in for a rollicking ride on this cross-country competition.

Early on, a lollipop-toeing Elliott (who is also co-executive producer) advises the XIII hopefuls “to expect the unexpected” as they prove their artistic mettle. Under-scoring the show’s realness: the frank assessments of the judging panel, which includes Elliott, producer Dallas Austin, singer Teena Marie and Elliott’s manager, Mona Scott of Violator Management.

The contingent of singers and rappers (aged 19-29) is vying for a contract with Elliott’s Gold Mind label, a guaranteed single release and $100,000.

House Full of Talent: Stevie Wonder’s five-hour-plus House Full of Toys benefit concert, held Dec. 18 in Los Angeles, boasted a slew of mesmerizing, energetic performers, including Jamie Foxx, Kanye West, Alicia Keys, India.Arie, Rachelle Ferrell and Doug E. Fresh/Whodini. But holding his own among the established stars was newcomer Raul Midon.

The singer-songwriter/guitarist captured the audience with a style that blended jazz, R&B, pop, folk and Latin. A harmonica-playing Midon joined Midon on the salsa-flavored “Expressions of Love,” a track from his debut album, “State of Mind.” Produced by the legendary Arif Mardin and his son, Joe, the Manhattan Records release is slated for May 10. Midon is definitely one to keep an ear on in ’05.

PRODUCTION SKILLS IN DEMAND

The new partners are amassing production credits, working with MCA Records act the Whole 9, Bone Thugs-N-Harmony and Krayzie Bone and producing background music for several MTV shows. Then former 3 Strikes member Chingy signed with TrakStarz Productions.

Since then, the TrakStarz have worked with a diverse list of artists, including Howard (“I Like That”). Luv-4-U (“Splash Waterfalls” remix, “Gold Digger” from the “Shark Tale” soundtrack) and Britney Spears (“‘Me Against the Music” remix). The duo has also collaborated with rapper I-20, JoJo, Banner and Twista and is working on music for 50 Cent’s forthcoming sophomore album.

“Outside of our DJ and strong musician backgrounds, what distinguishes the TrakStarz sound are powerful, edgy beats that appeal to the street and cross over at the same time,” Lee says. “We play on our versatile backgrounds.”

The TrakStarz are managed by Larry Rudolph of Reign-Deer Entertainment.
### Billboard Top R&B/Hip-Hop Albums

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist</th>
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<th>Weeks at Number</th>
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### Billboard Top R&B/Hip-Hop Catalog Albums

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### Additional Information

- Sales data compiled from a national subset panel of core R&B/Hip-Hop stores by Nielsen SoundScan.
- Nielsen SoundScan is a leading provider of market information and data analysis for the music industry, tracking the sales of music products in the U.S. and Canada.
- Nielsen SoundScan provides detailed information on sales, album performances, and artist success across all media formats, including physical, digital, and streaming.
- Billboard Top R&B/Hip-Hop Albums and Billboard Top R&B/Hip-Hop Catalog Albums are compiled based on sales and streaming data from various retailers and online platforms.
- The listings are updated weekly and reflect the most current sales data available.
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**Music Rhythm & Blues**

Continued from page 20

Austin, produced the first "Ray" soundtrack. It has sold more than 571,000 units, according to Nielsen SoundScan.

Other "Ray" soundtracks include a score album and a coffee table book featuring photographs and thoughts from the film's Golden Globe-nominated star, Jamie Foxx. A soundtrack, screenplay co-writer James L. White and Benjamin. Benjamin was also an executive producer of the 2004 holiday release "Ray Charles Celebrates a Gospel Christmas With the Voices of Christmas." Benjamin told The Associated Press, "I am convinced Ray is looking down with a big freaking grin on his face," Benjamin says. "(Ray) says, 'See, I told you so. Just be patient.'"

**NATIONAL MUSICALS: Motown gets the remix treatment in March.**

One track, Marvin Gaye's "Let's Get It On," is already enjoying a hit on several stations, including adult R&B radio in Los Angeles. Among the other selections: a remake of Smokey Robinson's "Quiet Storm" featuring Ray Ayers. Look for a new St. Lunatics album this year.

The fifth album by 112 is due this spring. It will feature contributions from Scott Storch, Jermaine Dupri and the Track Boyz and 112 member Taron Jones. The still-unset title is the follow-up to the group's 2003 Def Soul album. "Hot & Weave." The quartet will appear as the Four Tops on the Jan. 2 episode of N.B.C.'s "American Dreams," performing "If I Were You." Dirty Bastard's mother, Cherry Jones, and manager Jarred Weisfield have created JCR Records (Jarred Cherry Records). Working with Sure Shots Records, the pair will release a new OD 5 set. "Osiris," Jan. 4. The 15-track album gleams its title from one of the late rapper's aliases. Among the producers on board are DJ Premier and Jermaine Dupri. Veteran R&B singer Freddie Jackson ("Rock Me Tonight") reunites with his original management team, Charles and Bubba Huggins.
**TOP LATIN ALBUMS**

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**LATIN POP ALBUMS**

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**TROPICAL ALBUMS**

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**REGIONAL MEXICAN ALBUMS**

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Erasure Back In Flight With ‘Nightbird’

BY MICHAEL PAOLETTA

Former Depeche Mode and Yaz member Vince Clarke and singer Andy Bell, who record as Erasure, have reason to rejoice. This is the synth-pop duo’s 20th year making beautiful music together.

To honor the anniversary, the pair is releasing its 11th studio album (its 10th of original material). “Nightbird” arrived Jan. 25 in the United States from Mute, a day after its international release.

Mute also released an Erasure concert DVD, “The Tank, the Swan and the Balloon Live!,” in November.

The centerpiece of that two-disc set is the 1992 performance of the act’s Phantomsmagorical Entertainment tour at the Manchester Apollo in England.

“Erasure’s 20th anniversary is a cause for celebration,” Mute director of marketing Jeanne Klafin says. “This extraordinary accomplishment signifies the longevity and relevance of Erasure’s music and career—and further solidifies Erasure as a trailblazer in popular music.”

Indeed, Clarke’s tech-savvy approach to music-making has influenced a wide range of acts, from the Postal Service, Scissor Sisters and Fischerspooner to Lil Jon, Usher and Missy Elliott.

While Erasure realizes it or not, they have greatly affected a generation of artists and musicians,” says David Shebairo, owner of specialty retail shop Rebel Rebel in New York.

Following misguided studio albums “Loveboat” (released internationally in 2000) and “Cowboy” (1997)—and last year’s covers album, “Other People’s Songs”—“Nightbird” is a return to form. It’s akin to hearing from a long-lost friend—one that has rested on his laurels at one time, but who is now out to prove something.

“Because Andy now lives in Spain and the U.K. and I now live here in the U.S., we don’t see each other unless we’re working,” Clarke says. “When we do get together to work, it’s really exciting. It’s like we’re starting all over again.

“We both come with lots of ideas and excitement,” Clarke continues. “It’s like being married for 20 years. We’ve had sex as often as you used to, but when you do, you really go for it.”

That said, Clarke notes that his mother often tells him that Erasure songs all sound the same. “She says, ‘Whenever I hear one of your songs on the radio, I always know it’s you—even if I don’t know the song.’”

Because Clarke knows every part of every Erasure song, he sees things differently. “I’ll think, ‘You hear that song right there, well, I’ve never done that before.’ So, for me, it’s weird when people say our songs sound the same. Of course, Andy’s voice remains Andy’s voice.”

Nashville-based DJ Ron Slocowicz agrees. “Sure, their songs sound like Andy Bell. But that’s part of their signature and what makes them marketable.”

Bell’s choirboy-like voice shines on “Nightbird.” And so do the arrangements. Despite its flaws, Clarke and Bell say their covers album was necessary to make, “It rejuvenated us,” Bell notes.

“When we looked at other people’s writings, we came upon arrangements that perhaps weren’t traditional Erasure arrangements,” Clarke adds. “This profoundly affected us: It made us look at our own arrangements when it came time to write for this album.”

Bell also got a fresh perspective from his side solo project with Manchester Clique, a British production duo. A release is expected later this year.

“Nightbird,” is preceded by the follow-up lead single “Breathe.” In addition to remixes by Pete Heller (exclusive to the U.S. single), LMC and Manhattan Clique, the “Breathe” video and non-album tracks “Gone Crazy” and “Mr. Gribber and His Amazing Cat.”

Klafin says that for the first time, Mute will work with the EMI Music Collective to maximize penetration at various radio formats. “Breathe” will be delivered to dance radio in mid-January, followed by adult top 40 in early February. “Breathe” went on sale as a digital single on the band’s official Web site (erasureinfo.com) in December.

Retailers believe “Breathe” and “Nightbird” are what longtime Erasure fans have been waiting for years. “I’ve only heard a few tracks from the album, including ‘Breathe,’ and it shows the duo at the top of their game,” Rebel Bell’s Shebairo says.

Richard Bridge, music product manager for dance and singles at Virgin Entertainment Group, refers to “Other People’s Songs” when discussing the new album. “That album did really well for us,” he says. “It proved that their fan base remains loyal and passionate.”

But Bridge adds, “Unlike the Postal Service, which has yet to be categorized, Erasure—at least in the U.S.—is classified as either pop or gay. Perhaps if Erasure was less linked to this or that, their appeal would be broadened.” He may have a point.

According to Nielsen SoundScan, Erasure’s “Other People’s Songs” has sold 40,000 units, while “Loveboat” and “Cowboy” have sold 5,000 and 160,000 units, respectively. Conversely, the Postal Service’s “Give Up” (2003) has sold 420,000 units.

In February, Erasure commences its new tour, the Erasure Show, in Europe. According to Reach Media president Michael Pagnotta, who is Erasure’s manager for North America, an East Coast tour of the project, a North American trek will begin in mid-May and hit 10-12 cities.

Remixer Moulton Does Motown

Remix pioneer Tom Moulton has been busy revisiting nuggets from the Motown vaults. One or two of these may find their way onto “Motown Remixed,” a collection he’s plenty to release March 29.

Thus far, Moulton has remixed the Commodores’ “Three Times a Lady,” the Miracles’ “Do It Baby” (post-Smockey Robinson) and the Supremes’ “Stoned Love.” Those familiar with Moulton’s work ethic know that his remixes are made without sacrificing a song’s original intent. In other words, unlike the bulk of today’s remixes, Moulton does not create a brand-new track around the original vocals.

Instead, he uses elements from the original version of the song. He will extend a portion of a song, re-loop a section or discover a vocal part on the master tape that was never used before. In this way, he is like a master excavator, digging up this and that to uncover a long-hidden gem.

“Too often, the instruments on these older songs were recorded without much care,” Moulton says. “You listen to the master tapes and it is not uncommon to hear things recorded in a sloppy manner or to hear lots of noise in the mix. So, I do what I think needs to be done.”

While Harry Weinger, VP of A&R at Universal Music Enterprises—and producer of Motown Remixed—would not confirm which, if any, of Moulton’s remixes will make the final track list, he does confirm the following selections: Marvin Gaye’s “Let’s Get It On” (remixed by Paul Simpson & Miles Dalto), the Jackson 5’s “I Want You Back,” that Backstreet Boys’ “Keep on Truckin’” (DJ Spinna), the Supremes’ “My World Is Empty Without You” (Tranzition) and Smokey Robinson’s “Quiet Storm” (Rafe Gomez & David Baron), which features the legendary vibes man Roy Ayers.

WE GOT THE BEAT: Popular energy drink Rockstar has partnered with dance/electronic lifestyle magazine BPM to find the best up-and-coming female DJ in the United States.

The inaugural Rockstar Beauty and the Beats contest is open to women 21 and over. Contestant must submit a DJ mix no later than Jan. 15 to BPM/Beauty and the Beats, 8306 Wilshire Blvd., Suite 1936, Beverly Hills, Calif., 90211.

From these submissions, celebrity judges DJ Rap, DJ Colette and Reid Speed—and BPM editors—will select three finalists to compete in a spinoff at a Los Angeles club.

The winner receives a contract with a booking agency. Stanton DJ and DJ Champions will showcase during the Winter Music Conference. The winner will also tour—as the opening act—with Rap, Colette and Speed in June. Not bad, eh? For additional info, go to djmixed.com/bba.

STONGER THAN THA: British label Defected received much love this past summer from club DJs who championed Danny Krivit’s re-edit of Soul Central’s reinterpretation of late-1980s Detroit classic “Strings of Life” by Rhythm Is Rhythm (Beat Box, Billboard, June 26, 2004).

On Jan. 10, Defected will release a newly re-versioned version of the track, now called “Strings of Life (Stronger on My Own)” by Soul Central Featuring Kathy Brown. (Soul Central, by the way, is a duo of Andy Ward and Paul Timothy.)

This potent jam will surely follow recent dance-pop hits by Shape Shifterz (“Lola’s Theme”) and Eric Prydz (“Call on Me”) into the top 10 of the U.K. pop chart.

Ultra has licensed “Strings of Life (Stronger on My Own)” for Romania. A release is forthcoming.

"In Flight With ‘Nightbird’"
Buck's Classic 'Ranch' Hits DVD

BY JIM BESMAN

Despite the lack of a big retail push, three new DVD compilations of classic TV series “The Buck Owens Ranch Show” have not gone unnoticed by fans of Bakersfield, Calif.'s legendary Country Music Hall of Famer. The $29.95 discs each contain three half-hour installments of Owens’ nationally syndicated “Ranch” show, which ran from 1966 to 1972.

The compilations feature some 90 performances by Owens and his band, the Buckaroos, including such classic songs as “Act Naturally,” “Loose's Gonna Live Here,” “I've Got a Tiger by the Tail” and “Together Again.”

Tribute reminiscences by Vince Gill, Emmylou Harris and Dwight Yoakam attest to the influence of Owens and the series, which ended only after the run-away success of “Hee-Haw,” which Owens co-hosted.

“Just getting them out on DVD is really cool for us,” says Jim Shaw, Owens’ current bandleader and administrator of the artist’s entertain-ment-business interests. Shaw notes that the discs, released last year through Owens’ Web site, duplicate VHS versions that came out two years ago.

“It was a huge project patching together a pristine print and dubbing it off to a new format,” Shaw continues. “We had lost all the documentation and had to go out and look for cleaners. But people have been asking us for years if we would ever release any of them, and we had a slew of sales when they came out.”

One ready buyer was Barry Bales, upright bassist for Alison Krauss & Union Station. He says that when CMT series “Last Highway” aired an episode about the Bakersfield sound and played some “Ranch Show” clips, he wanted to see more. “It reminded me of how awesome the Buckaroos were,” Bales says. “So I got on the Internet, found the three DVDs on Buck’s site and couldn’t get my credit card out fast enough.”

“I had never been able to see any more than a few seconds or so [of vintage Owens performances] on doc-umentaries,” Bales continues. “But to actually see an entire program and study what they were wearing and the expressions on Buck’s and [late Buckaroos guitarist] Don Rich’s faces—how they moved and played together—was like Christmas.”

Bales adds that the “Ranch” shows are just as entertaining as any program on the air today. He says that observing the changes in TV studio sound is also valuable.

REQUIRED VIEWING
Elena Skye, whose front New York country/bluegrass act Elena Skye & the Demolition String Band, demands that all new band members view the “Ranch” programs in the group’s tour van.

“A lot of people we play with have come to country music via the Uncle Tupelo route, so I love to watch their faces seeing Buck and Don for the first time,” Skye says. “It opens them up to something a lot of people in this gen-eration aren’t aware of: that Buck Owens wasn’t just the guy with the backward overalls on Hee-Haw. Buck was a god.”

“He had songs so strong you could build cities on them, with unique arrangements, fabulous guitar playing and that special chemistry with Don that sometimes happens between two people that you just can’t force,” Skye adds. “And boy, do they look hot in those tights, sparkly Nudie suits.”

Now, 25, Owens still performs on weekends at his Crystal Palace night-club in Bakersfield, where he is completing a museum and planning a “big legends show” early this year that he hopes will star Willie Nelson, Merle Haggard and Garth Brooks.

“The sound on those things was just half-ass—but the singer was good,” Owens jokes about the shows. “You see us in Nudie suits and it reminds people of younger times when they didn’t have such big credit card debts.”

“But I don’t have the slightest idea if we’re selling any of those Nudie suits.”

Owens adds. “The secret is there ain’t no secret. You just do the best you know how, and the rest is up to who- ever it’s up to.”

Radio Poll Finds Country Format Bouncing Back

There were two great pieces of news for the country format in an exclusive year-end radio poll con-ducted by our sister publication, Billboard Radio Monitor.

First, 100% of the country pro-grammers and music directors polled agreed with the statement “The country format is on the rebound.”

Second, when asked if radio is in better or worse shape than it was a year ago, 65.7% of the respondents said it is better. Only 11.4% believe radio is worse off. The balance (22.9%) think the industry is in about the same place as it was at the end of 2003.

The survey also touched on all the hot button issues of 2004, including paid spins, independent promotion and the move by some labels to phase out physical singles in favor of digital delivery.

On the issue of paid spins, a whopping 91.1% of respondents dis-agreed with the statement “Paid spins are a fair way for labels to move their singles up the charts.”

Asked for their opinion about the statement “Broadcast groups should be legally selling spins in nights and overnights to labels to boost sta-tions’ revenue,” the overwhelming majority (82.4%) disagreed, but a surprising 17.6% agreed.

That’s a much higher acceptance rate than when the issue came to a head last summer and Monitor first took programmers’ temperature on the practice.

Programmers were also asked to evaluate a third statement on the topic: “Paid spins were the most dis-turbing new development of 2004.” On that point, 58.8% agreed, but many of those who disagreed noted that it was only because they do not consider the practice “new.”

Monitor also asked a series of questions about independent pro-motion. The majority (64.7%) of programmers agreed with the statement “The ban on independent promotion by some groups such as Clear Channel, Infinity and Entercom will benefit the radio industry.”

Asked if the practice of independent promotion is on the way out, 58% said yes. One PD said, “It should be.”

But respondents are sympathetic to some indices. Given the state-ment “There are legitimate indie promoters who will be hurt by the broadcast groups’ ban,” 88.2% agreed, just 5.9% disagreed and the rest had no opinion.

Country programmers are also sympathetic to smaller labels and those without in-house promotion staffs. Asked if it will be harder for those labels to get their music played because of the indie ban at some groups, 67.6% of the respon-dents agreed, 29.4% disagreed and the balance were undecided.

On the topic of how they’re getting their music on the air in 2005, the programmers surveyed agreed with the statement “I prefer getting singles in the mail over digital delivery.”

The survey asked programmers to rank their level of concern (1-5) about the potential threat satellite radio poses to broadcast radio. For this question, the average score was 3.1. But that is up considerably from their level of concern at the end of 2003.

They were also asked in this new poll how concerned they were about satellite radio in 2003, before high-profile personalities like Howard Stern and Opie & Anthony, as well as former Viacom chief Mel Kar- mazin and top country programmers Eric Logan and Scott Lindy, made the move to satellite. The average concern score regarding satellite radio a year ago was 2.4.

In more good news for the format, broadcasters believe country radio is in better shape than it was in 2003. Asked to rank the current state of the format on a 1-5 scale, with 1 being poorest and 5 being the best, the average answer was 4.1, with 84.7% of the respondents giving the format a score of 4.

Asked how they felt about the state of the format in 2003, the mean score was a much lower 2.9.

It is largely the music that is driv-ing programmers’ optimism. Asked to rate the quality of music available in 2004 on that same 1-5 scale, the average answer was 4.1, with 64.7% of the respondents choosing a 4.

There were no 1 or 2 scores, and 20.6% gave the music a 5.

Asked about the quality of music in 2003, the average answer was 3.1, a full point lower than the 2004 score. In 2003, the majority (70.6%) gave music a score of 3. No one gave it a 5.

The high scores for music and, to a degree, the optimism about the for-mat in general can be summed up in two words: Gretchen Wilson. Asked who the top new artists of the year were in country, every single respondent named Wilson. Some also named Big & Rich, and several cited Dierks Bentley.

Wilson’s name was also prominent in the answers to the question “Who were the top artists of the year in country?” Tim McGraw was cited most often, followed by Kenny Ches-ney. Wilson and Toby Keith tied for third place, with Keith Urban rounding out the top five.

Monitor contacted 35 country radio PDs, assistant PDs and music directors from across the United States for the survey, which was conducted by e-mail.

Buck's Classic 'Ranch' Hits DVD

BY JIM BESMAN
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<thead>
<tr>
<th>Artist</th>
<th>Imprint &amp; Number/Distributing Label</th>
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**PACESTEPPER**

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**Note**: The listings are compiled using Nielsen SoundScan data, which tracks music sales in the United States. Nielsen SoundScan uses a combination of retail sales data and streaming and downloading activity to determine the best-selling albums each week.
### Billboard Hot Country Singles & Tracks

**January 8, 2005**

#### Top Bluegrass Albums

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist/Producer/Label</th>
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<tr>
<td><strong>1</strong></td>
<td>ALISON Krauss + UNION Station</td>
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<tr>
<td><strong>2</strong></td>
<td>Old Crow Medicine Show <strong>(August 20, 2004)</strong></td>
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<tr>
<td><strong>3</strong></td>
<td>Dave &amp; The Phoenix <strong>(August 20, 2004)</strong></td>
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<td><strong>4</strong></td>
<td>Ricky Skaggs &amp; Kentucky Thunder <strong>(August 20, 2004)</strong></td>
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<td><strong>5</strong></td>
<td>VARIOUS ARTISTS <strong>(August 20, 2004)</strong></td>
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<td><strong>6</strong></td>
<td>VARIOUS ARTISTS <strong>(August 20, 2004)</strong></td>
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<td><strong>10</strong></td>
<td>VARIOUS ARTISTS <strong>(August 20, 2004)</strong></td>
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#### Top Singles

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<th>Title</th>
<th>Artist/Producer/Label</th>
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<tr>
<td><strong>1</strong></td>
<td>HOW DO YOU GET THAT LONELY FEELING Again <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>2</strong></td>
<td>GOD'S WILL <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>3</strong></td>
<td>I THINK THE WORLD NEEDS A DRINK <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>4</strong></td>
<td>SLOW, SLOPPY KISSES <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>5</strong></td>
<td>DON'T YOU JUST WANT TO CRY <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>6</strong></td>
<td>LOVE ME <strong>(November 13, 2004)</strong></td>
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<td><strong>7</strong></td>
<td>I'M A SAIN <strong>(November 13, 2004)</strong></td>
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<td><strong>8</strong></td>
<td>I WOULD CRY <strong>(November 13, 2004)</strong></td>
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<td><strong>9</strong></td>
<td>I'LL TAKE THAT AS A YES <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>10</strong></td>
<td>SONGS ABOUT ME <strong>(November 13, 2004)</strong></td>
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#### Last Week's Top 25

<table>
<thead>
<tr>
<th>Week</th>
<th>Title</th>
<th>Artist/Producer/Label</th>
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<tbody>
<tr>
<td><strong>18</strong></td>
<td>YOU'RE MY SWEETHEART <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>19</strong></td>
<td>HOW AM I FEELING <strong>(November 13, 2004)</strong></td>
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<td><strong>20</strong></td>
<td>BACK WHEN <strong>(November 13, 2004)</strong></td>
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<td><strong>21</strong></td>
<td>CAUGHT UP IN YOUR EYES <strong>(November 13, 2004)</strong></td>
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<td><strong>22</strong></td>
<td>ROCKIN' AROUND THE CHRISTMAS TREE <strong>(November 13, 2004)</strong></td>
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<tr>
<td><strong>23</strong></td>
<td>I'M A SAIN <strong>(November 13, 2004)</strong></td>
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<td><strong>24</strong></td>
<td>I WOULD CRY <strong>(November 13, 2004)</strong></td>
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<td><strong>25</strong></td>
<td>I'LL TAKE THAT AS A YES <strong>(November 13, 2004)</strong></td>
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### Billboard Hot Country Singles Sales

**January 8, 2005**

<table>
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<tr>
<th>Title</th>
<th>Artist</th>
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<tr>
<td><strong>1</strong></td>
<td>Redneck 12 Days of Christmas/Sammy Kershaw</td>
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**ALBUMS**

Edited by Michael Paoletta

**POP**

**DAVID SANBORN**

Closer

**PRODUCER:** Stewart Levine

**REVIEW:** Dec. 11

Despite the polished orchestrations that give it an overall glossy sheen, David Sanborn’s new collection, “Closer,” has its share of moving moments, especially when the alto saxophonist renders ballads and plays with spice. With his stellar pop-star credit as a support instrumentalist and his deep jazz roots, the melody-bound Sanborn strives to straddle both worlds with mixed results. Even though he plays it straight with fine vocalist Lizzy Wright, their rendition of James Taylor’s “Don’t Let Me Be Lonely Tonight” falls flat with its no-risks blandness. But he starts the CD with a party (“Tin Tin Dee” by Gil Fuller and Chano Pozo) and buoys the proceedings with Abdullah Ibrahim’s catchy “Capetown Fringe.” Sanborn saves the best for the end with two heartfelt tunes, Michel Legrand’s “You Must Believe in Spring,” a duet with guitarist Russell Malone, and the saxist’s touching melancholic original, “Sofia.”

**DANCE/ELECTRONIC**

**DAVID MORALES**

2 Worlds Collide

**PRODUCER:** David Morales

**Ultra LL-1244**

**RELEASE DATE:** Nov. 30, 2004

DJ/producer David Morales has been mastering his craft for nearly 30 years. His name on a record more often than not guarantees a certain amount of sophistication, soul and emotion. On his second artist album, “2 Worlds Collide” (it follows 1993’s “The Program”), Morales does not disappoint. The instrumentation is lush, the featured vocalist are incredibly soulful and the house beats are snugly tight. In other words, trademark Morales. Whether or not this sonic landscape fits into the here and now is up for debate. In fact, the glorious lead single, “How Would U Feel” (featuring the sublime vocals of Lea-Lorién), sounds incredibly at home when played alongside Morales’ remix of Björk’s “Hyper-Ballad,” which dominated dancefloors in 1996. Ultimately, though, Morales has never been one to follow the latest trend. Instead, he has remained true to quality house beats of a musical kind. And it shows. excellence is evidenced on tracks like “Here I Am” and “Take Me Love,” featuring Tamra Keenan and Vivian Sessions respectively, the lyrics and music soar.

**COUNTRY**

**RAY WYLIE HUBBARD**

Delirium Tremens

**PRODUCER:** Garf Morice

**Phile 11671**

**RELEASE DATE:** Jan. 25

Ray Wylie Hubbard is not known for releasing CD after CD (this is only his fifth album), so when a new one comes along, more often than not, it is something special. Such is the case with “Delirium Tremens.” It finds Hubbard not only offering some stirring originals but also uncharacteristically covering others. Woody Guthrie’s “This Morning I Am Born Again,” for example, is a funeral dirge in his hands, and Eliza Gilkyson’s “The Beauty Way” is a masonic and powerful tribute to the troubadour’s life. He lends world-worthy authority to Roger Tillison’s “Rock and Roll Gypsies” and joins forces with Jack Ingram on Hubbard’s own thieves fable “Dallas After Midnight.” Hubbard’s vocals are perfect for the tortured, tattooed “Torn in Two,” and “Drivin’ Wheel” is just plain ol’ sad and lonesome. He evokes “tombstones and rolling bones” on the brooding “Dust of the Chase” and struts his style of sense on a silky cool “Cooler-N-Hell.” Hubbard wraps things up with an eight-minute white trash epic in “Chocotillo King” that rolls and rumbles like an intoxicating gumbo. Cooler’n’hell, indeed.

**LATIN**

**TOÑO ROSARIO**

Resistible

**PRODUCER:** Toño Rosario, Israel Casado

**Universal Music Latino B0003660**

**RELEASE DATE:** July 7, 2004

In his first album for Universal, veteran merengueño Toño Rosario takes a safe route—for him, that is. He has chosen a repertoire full of covers, including a merengue version of “strutthit” by Almy Hernandez and of Doris Godoy’s “Que La Tierra.” Backed by a snare-happy, piano-accented backbeat, Rosario croons soulfully to a lover who was more interested in his finances than his heart. Whether he’s singing of infidelity (“She Don’t Have to Know”) or the power of love (“The Silver Wonder-esque “Ordinary People”), his voice has the kind of familiar tone that makes you think he’s been through it all. In Legend’s case, believe the hype.

**JAZZ**

**JASON MILES**

Miles to Miles

**PRODUCER:** Jason Miles

**Narada Jazz 70876-18786**

**RELEASE DATE:** Jan. 17

Produced by Jason Miles, whose synthesizer programming was instrumental to Miles Davis’ sonically adventurous 1986 album “Tutu,” brings many of the top names in jazz together to create the sounds Davis might have been making, were he alive today. As an recent tribute to Weather Report, Ivan Lins and Grover Washington Jr., Miles assembles an all-star cast, including Meshell Ndegcelo, Michael and Randy Brecker, Carter Beauford, Bernie Worrell and late saxophonist Bo Boddie, recorded on one of Miles’ last recordings, “Guerrilla Jazz.” Also prominent in this mix is DJ Logic. The (Continued on next page)
**CLASSICAL**

**SOUNDTRACK**
Le Chateaux
Les Petits Chanteurs de Saint-Marc
Nicolas Porte, director; Jean-Baptiste Agnello, producer

**PRODUCER:** Paul Lavernue

**NONESUCH 61741**
**RELEASE DATE:** Jan. 4

The French release of the “Choruses” was a spectacularly big box-office success in France this past year that is set to be released in the United States Jan. 14. Directed by Christophe Barratier, a classically trained guitarist who also wrote some of the score, the movie—a warm-hearted drama set just after World War II in which a group of rowdy boys and orphans are transformed through the power of music—naturally has a soundtrack that takes center stage.

Composer/arranger Bruno Coulais moves smoothly through a panoply of styles, from a Latin-Mass requirement to wistful tunes like “La Pluie.” The Petits Chanteurs’ utterly charming performances give real pleasure, and boy soprano Jean-Baptiste Maunier’s unselﬁsh conscious solos are a special treat. —**AT**

**CHRISTIAN**

**OASIS PRAISE**

**The Greatest Love**

**PRODUCERS:** Laythan Armor, Shanna Jones-Moreno

**GATEWAY CENTER OCC-2004**

**RELEASE DATE:** Dec. 21, 2004

The best praise and worship albums make the listener feel as though they are right in the middle of a church worship experience. “The Greatest Love” is one of those records. Recorded live at the Oasis Christian Center in Los Angeles, this is one smile-inducing set. The songs are a uniformly strong bunch, marked by great vocal arrangements and inventive arrangements. What makes this such an enjoyable collection is the diversity of musical styles, which range from funky, soulful praise to soaring pop. “Child of the King,” penned by Shanna Jones-Moreno and Dave Hummel, is a powerful anthem with a gorgeous chorus: “Magnify the Lord;” the Lord is a hard-grinnin’ romp. There is also a potenct cover of well-known worship leader Darlene Zschech’s “My Hope.” With so much joy and spirit captured on this CD, don’t be surprised if you ﬁnd yourself wishing for an Oasis Christian Center in your own backyard.—**DEP**

**Singles**

**Edited by Michael Paolletta**

**POP**

**BOWLING FOR SOAP**

**Almost (3:26)**

**PRODUCER:** Butch Walker

**WRITERS:** L. Reddick, B. Walker

**PUBLISHERS:** Zomba/David Four Paws (ASCAP); Sonotrock (BMI)

**Zomba 66557 (CD promo)**

Bowling for Soup rolled a strike with previous single “1985,” which jolted radio’s attention when, in 2004, it became one of the fastest-selling digital tracks to date. The quartet furthers its momentum with the equally clever “Almost,” a fervent lyrical romp through a series of could-have-beens, including the woman of lead singer Jared Reddick’s dreams, who will forever remain just out of reach. Bowling for Soup is establishing itself as a band with a real recording career; this single, meshingalong party-time themes with frenetic melodies and a goofball image. But make no mistake: This Song has cooked up a skilier and crafty recipe for success. Here’s looking at one of the ﬁrst surefire top-40 hits of 2005.—**CT**

**R&B/HIP-HOP**

**TWISTA FEATURING FAITH EVANS**

**Hope (3:51)**

**PRODUCERS:** Mac

**WRITERS:** C. Mitchell, F. Taylor, T. Callaway

**PUBLISHERS:** Staxin High Music (ASCAP);

China White Music (ASCAP); God Given Music (BMI)

**Capitol 7087 69101 (CD promo)**

The quest for a better life is the dominant theme of “Hope.” The mellow, guitar-driven track is the ﬁrst single from the soundtrack to “Coach Carter.” The theatrical release is inspired by a true story of a real teen named L. Jackson. Rapper Twista comes armed with his trademark fast-moving ﬂow. He craftily invokes Stevie Wonder, “2Pac,” Biggie, and Dr. Dre’s “Thin Mints” in his uplifting rap. The tenor of his message is further underscored by a soulful hook laid down by the heretofore missing-in-action Faith Evans. Due Jan. 13, the soundtrack also features Kanye West, Fabolous, Chingy, Common and Dr. Dre. producethe Game.—**CM**

**MODERN ROCK**

**EARSHT OR SOMEONE**

**(4:01)**

**PRODUCERS:** Johnny K, Wil Martin

**PUBLISHERS:** Wilsound Music/Roadmap Music

**Warner Bros. 101444 (CD promo)**

“Surf’s Up” is a very clean promo to help get new single “Someone” radio play. The band’s ofﬁcial Web site (www.earsht.com) promises that the ﬁrst five fans who get another ﬁve people to request the song in their respective cities will win tickets to see an Earnest concert. Earnest is Spanish and the band the next time it comes to town. It’s a smart tactic that could push the Los Angeles ﬁve some to higher things—particularly since “Someone” is a very strong ballad. The song is deﬁnitely one of those less-is-more compositions. Even though the production is light, the careful layering of the sparse instruments adds a welcome complexity. The strings hum, cymbals and tambourines gently clink and the soaring electric guitar hook was likely inﬂuenced by Queenystyle. And the lyrics “Someone” Wil Martin completely bares his soul, asking for “Someone I can trust/Someone I believe/Someone who will never try to bring me to my knees.”—**CLT**

**UNWRITTEN LAW**

**Save Me (3:33)**

**PRODUCERS:** Linda Perry, Sean Beach

**WRITERS:** S. Ross, L. Perry, Unwritten Law

**PUBLISHERS:** Stock in the Throught/ Famous Music (ASCAP)

**Lava 301621 (CD promo)**

The bidirectional cut from Unwritten Law’s “Here’s to the Mourning,” is primed for mainstream radio. Though not as memorable as Perry is on board, and the song blends together the most common ingredients used for crafting high-impact pop-rock—a catchy off-kilter vocals, a sing-song melody slipped within buzzing guitars and unpredictable time changes. But we have to hand it to the band for its lyrics, which are the strong point here. For the disgruntled arrangements, but “Surf’s Up” takes the blame for every single thing that’s ever gone wrong in their lives, consider this your New Year’s wish. The choice of a freer-singer Scott Russo include “I’m sick of my friendliness/Don’t touch me/You’ll get this/I’m useless and easy/Perverted and you hate me.” The first make-up song of 2005 has arrived.—**CLT**

**KYLIE MINOGUE I Believe in You**

**(3:17)**

**PRODUCERS:** Jake Shears, Babadaddy

**WRITERS:** K. Minogue, J. Shears, Babadaddy

**PUBLISHERS:** Mushroom Music, Filti Gorgeous Music, B2D2 Music

**Capitol R75365 (CD promo)**

Kylie Minogue’s two-disc retrospec- tive “The Greatest Hits” was released in Oct. All the global hits are included, from “I Should Be So Lucky” and “Get to Be Certain” to “Chocolate” and the 90s. All set up this particular, this track is a natural for club and specially radio DJs—satellite channels, too—everything will be great to hear or top it on top 40, modern rock and AC radio outlet. Consider it the sound of a post-Franzos Fernand generation.—**MP**

**COUNTRY**

**DAVID FRIZZELL Warm Spanish Wine (4:17)**

**PRODUCER:** David Frizzell

**WRITERS:** N. Wilson, D. Wilson, V. Parks

**PUBLISHER:** not listed

**Nonesuch 101487 (CD promo)**

The music on this album is two Boys co-founder Brian Wilson (who surprisingly and delightfully reharvested through the revisiting of the group’s aborted epic, “SMILE”) is encapsulated on this quintessential track, “Surf’s Up.” True, the same could be said of most cuts on “SMILE,” Wilson’s ever-ordinarily ambitious concept album. The collection overflows with sorrow vocal orchestration and complex arrangements. But “Surf’s Up” is so rare, courtesy of its surreal lyrical penned with collaborator Van Dyke Parks, evokes both the breathtaking beauty of Wilson’s restless genius and the indeter- minate but inconclusive despair that permeates his finest compositions. “A choke of grief heart hardened洋葱 belief a broken man too tough to cry,” Wilson sings, only he can fully know, but Wilson conveys his melancholy more beauti- fully than just about anyone. And although the track bears some resemblance to the Beach Boys’ early hits, it is still vibrant and contemporary.—**CM**
EXECUTIVE TURNTABLE

PEOPLE ON THE MOVE


Universal Music Group in New York names Christine Nevada senior VP of royalties. She was VP of royalties at Sony Music Entertainment.

Universal Motown Records Group in New York appoints Larry Baach VP of new media and digital strategies. He was director of strategic label services, New York, at Universal Music Group’s information technology label and artist division.

Bad Boy Entertainment in New York names Anne Marie Stripling VP of video promotion. She was senior director of video promotion at Epic Records.

J Records in New York appoints Donlay Thompson national director of rhythm and crossover promotion. He was rhythmic editor at Radio & Records.

Universal Records in Santa Monica, Calif., names Dave Downey director of rock promotion. He was a promotion staffer at All Access Media Group.

Sony BMG Denmark in Copenhagen taps Eik Fredriksen for director of international marketing. He was PD of Sky Radio.

Artemis Records in Los Angeles names Amanda Moore director of West Coast promotion and marketing. She was promotion manager/rock and alternative director at Bishop Bait and Tackle Marketing and Promotion.

CONCERT PROMOTION: New Charlotte Arena in Charlotte, N.C., appoints Donna Julian senior VP of arena operations. She was GM at First Mariner Arena in Baltimore.

PRO AUDIO: Harman Music Group in Salt Lake City promotes Buzz Goodman to executive VP of sales. He was VP of worldwide sales.

Media City Sound in Studio City, Calif., appoints Orville Green Jr. VP of operations. He was managing director at Todd AO Vine Street Studios.

Headroom Digital Audio in New York names John Grant mix engineer/sound designer. He held the same title at AudioEngine.

Radio: Susquehanna Radio in York, Pa., promotes Nancy Vaeth-Dubois to president/COO, effective Feb. 11. She is senior VP/regional manager and will replace David Kennedy, who has been named president/CEO of parent company Susquehanna Media.


Sirius Satellite Radio in New York taps Ross Zarin for VP of promotions. He was head of rock, modern rock and video promotion at DreamWorks Records.

Oldies WCBS-FM New York appoints Ezio Torres general sales manager. He was director of national sales at Radio One.

Music Magazines: Rolling Stone in New York appoints James Kaminsky deputy managing editor. He was VP of special projects at Playboy.

INDEPENDENT PUBLICITY: Rogers & Cowan in Los Angeles promotes Jason Padgett, Karen Sundell and Eileen Thompson to associate VPs. They were directors at the company.

Wolfson Public Relations in Los Angeles names Arlene Lamy to VP senior account executive. He was West Coast director of the Songwriters Guild of America.

RELATED FIELDS: The Recording Industry Assn. of America in Washington, D.C., promotes Steven Marks to general counsel, Stanley Pierre-Louis to senior VP of legal affairs and Jonathan Lamy to VP of communications. Marks was senior VP of legal affairs, Pierre-Louis was VP of legal affairs and Lamy was director of communications.

Holiday Singing
An all-star gathering of artists performed at the annual “Christmas in Washington” special, which aired Dec. 15 on TNT. Taped at the National Building Museum in Washington, D.C., the special featured appearances by President George W. Bush and first lady Laura Bush. Pictured above, from left, are Vanessa Williams, LeAnn Rimes, Jojo, Ruben Studdard and Michael McDonald. (Photo: Kevin Mazur/WireImage.com)

Jingle Ball Rocks
Kelly Clarkson hangs out backstage with members of Maroon5 at Z100’s Jingle Ball concert, which mainstream top 40 WHTZ held Dec. 10 at New York’s Madison Square Garden. Pictured above, from left, are Clarkson and Maroon5’s Jesse Carmichael, James Valentine, Adam Levine and Mickey Madden. Other performers at the star-studded show included Destiny’s Child, Gwen Stefani, Hilary Duff, Good Charlotte, Ashlee Simpson, Jojo, Ryan Cabrera, Vanessa Carlton, Gavin DeGraw and Switchfoot. (Photo: Kevin Mazur/WireImage.com)

EMI Parties With The Stars
A slew of music industry notables attended EMI Music Publishing’s annual holiday party, held Dec. 14 at Vento in New York. Pictured, from left, are Jay-Z, Beyoncé and EMI Music Publishing chairman/CEO Martin Bandier. Also at the party were Alicia Keys and Kanye West.

Buzz is building for U.K. post-punk band the Futureheads, who had a revelatory stint opening for Franz Ferdinand on a 2004 U.S. tour. Part of the angular-rock movement that has given rise to the likes of Franz Ferdinand and Bloc Party, this Sunderland, England-based four-piece—vocalists/guitarists Barry Hyde and Russ Millard, drummer Dave Hyde (Barry’s brother) and one-named bassist Jeff—takes its moniker from a Flaming Lips song, “Hit to Death in the Future Head.” The Futureheads’ sound is steeped in new wave touchstones like Devo, the Jam and XTC. Not to be pigeonholed, the band has also covered Kate Bush, remixed a single for the Streets and recorded an a capella ballad. Sire Records/Startime International’s debut of the Futureheads’ self-titled debut in October 2004. The set features the production work of one-time Gang of Four guitarist Andy Gill and Paul Epworth, soundman to the likes of the Rapture, Liars and the Kills. The Gang of Four factor is particularly evident in the band’s proclivity for speeding robot-funk rhythms and trademark lyrics. But unlike Gill’s old band, the Futureheads are aggressively upbeat: Their tightly coiled structures are let loose just enough to spring from the speakers in explosive pop bursts filled with crashing four-part harmonies.

BRIAN GARRITY
VOD And HD DVD In Demand At CES

BY JILL KIPNIS

LOS ANGELES—Big developments are brewing this year in the home entertainment industry.

Not only will a new, high-definition DVD format make its debut, but the digital distribution of film and TV content through video on demand will be a growing business.

HD and VOD technologies are not likely to make huge sales waves in 2005. Standard-definition sell-through and video rentals will remain the norm.

But executives in these industries believe that now is the time to plant the seeds of change.

“We expect to really get going this year, though there’s a lot of time before we think software will be available in consumers’ hands,” says Richard Doherty, managing director of Blu-ray Disc Assn. and director of professional audiovisual at Panasonic’s Hollywood Laboratory.

Curt Marvis, CEO of online VOD service CinemaNow, says that his business will be significant by the end of the decade.

“While five years seems like a long timeline, it’s not,” he says. “The Internet as a publicly used, popular thing is less than 10 years old. Within five years, I believe the entire distribution cycle will be dominated by digital distribution.”

A number of companies representing the latest in HD and VOD will be showcasing their wares Jan. 6-9 at the Consumer Electronics Show in Las Vegas. Their primary goal is expanding awareness of these technologies.

HD FORMAT DEBATE

Industry attention has been focused on HD in the last few months, with four major studios announcing support for one of the two competing formats (see story, page 5).

Backers of Toshiba/NEC/Sony’s HD DVD tout its potential cost benefits. The format can be manufactured on existing Standard-definition DVD factory lines with minimal tweaking.

Rival format Blu-ray—which is backed by a group of 13 consumer electronics and PC companies including Samsung and Dell—is gaining ground because it offers greater storage and interactive capabilities than HD DVD and has widespread support from hardware companies.

Craig Kornblau, president of Universal Studios Home Entertainment, says that his company endorsed the HD DVD format in November to take advantage of CES.

“At CES, retailers get together with Blu-ray is expected to bring its players to the United States by early 2006. "We are looking at the whole picture here," Doherty says. “We want consumers to have a technology that will work with DVD players, camcorders. Each of our companies will be well-represented at CES.”

The home entertainment industry will also be looking more and more at digital distribution.

Such Internet services as CinemaNow and Movielink, as well as DivXNetworks’ online content and system of VOD-capable machines, steadily gained ground among studios and consumers in 2004. Plus, online rental company Netflix is working with TiVo this year to explore VOD opportunities.

“While it is still a tiny business in terms of the overall economics of the movie business, there are now millions of dollars being generated with VOD,” Marvis says.

Last year, CinemaNow made strides in this direction by previewing HD movie downloads and introducing a TV interface for Internet VOD through Microsoft Media Center PCs. Marvis says the company will increase its marketing and its content offerings this year.

DivXNetworks will be at CES showcasing its VOD service and its system of interconnected hardware devices that allow consumers to transfer files between machines.

According to the company, more than 20 million DivX-certified products shipped in 2004, including DVD players, HD DVD players and portable media players.

“The key lesson learned from the music industry is you have to get players out there, and there has to be lots of interoperable devices available,” DivX CEO Jordan Greenhall says. “We’ve solved the CE problem; you can buy DivX players in every retailer. In 2005, we will have a bellwether year.”

Waterloo Plugs Re-Gifting Big-Box Cards

With the kind of deep-discount retailing embraced by the likes of Circuit City, Wal-Mart, Target and Best Buy (especially during the holiday season), even the best independent stores need to stay one step ahead of the competition by embracing guerrilla marketing tactics.

And that’s exactly what John Kunz, owner of Waterloo Records & Video in Austin, did last week when he began advertising that his store would accept gift cards and certificates from any chain store that carries music and/or video.

In an e-mail to customers with the message duplicated in newspaper advertising, the store invited those who prefer to shop locally to bring in any gift card, and Waterloo promised to exchange the full amount on any merchandise sold in its store.

So far, about a dozen customers have taken Waterloo up on the offer. But, Kunz says, “I think the real onslaught will come on months ago (the closest Tower is now 240 miles away), they can always be donated to a national charity, Kunz says.

He notes that his customers expect the indie store to show its swagger with guerrilla marketing tactics like this. In turn, “our customers really appreciate being able to use [the gift cards] in a store with lots of selection and great service, and that’s the bottom line, as opposed to wherever their loved one gave them a card to,” Kunz says he got the idea from a
Musicrama Expands Portfolio Through Deals With Danzig, Others

While Sheridan Square Entertainment’s acquisition of Compendia Music Group made headlines recently, Sheridan’s distribution arm Musicrama has been quietly staffing up and expanding its label roster.

Last summer, the distributor announced that it was starting a new division, MDM Musicrama Distribution and Marketing, to expand the company’s reach. Headed by DuChanic Hutchison, MDM has signed a handful of distribution deals, including last week’s pickup of Zno Records, home to rapper and Source co-owner Ben Zino. A new album is due in February.

MDM also has secured deals for metal artist Danzig. 19 titles from the catalog of Ropeadope Records and select albums from Joan Jett’s Blackheart Records.

“Our intention is to become a front-line independent national distribution player very quickly, and we’re looking forward to an active 2006,” Hutchison says.

MDM distributed Danzig’s recent “Circle of Snakes” and is currently handling Jett’s “Fit to Be Tied” and “I Love Rock and Roll.” Hutchison is hoping to secure a deal for all of Blackheart’s releases.

Among MDM’s other pickups are Aurora Music Group, a new label started by manager Marc Aellig, compilation label Punk the Clock, and a deal with Simon & Schuster for recent audio books by Michael Moore and Bob Dylan.

As for future acquisitions, Hutchison says, “We don’t want hundreds of third-party labels. We’re looking at some very interesting joint-venture deals, and those are more interesting to us.”

The company has also made a number of recent hires. Aron Hunt has been named West Coast sales manager. Curtis Hawkins is Southwest sales manager, and Rich Masio is mid-Atlantic/nontraditional sales manager. The sales team reports to Mike Worthington, label and retail marketing director.

101 AND COUNTING: “Madvillainy” is an album that cropped up on a number of year-end best lists. The collaboration between rapper/producers Madlib and MF Doom was released last March on Stones Throw Records. The set finally brought some mainstream recognition to a label that for years has been one of hip-hop’s best-kept secrets. Madlib has used the label to release projects under a number of monikers, including Quasimoto, Yesterday’s New Quintet and Jaylib, his pairing with producer J Dilla.

Look for the Caroline-distributed label to have a big 2005, as it is planning sophomore efforts from Quasimoto and Jaylib. “We’ve been waiting to have some second albums from the artists we’ve developed,” founder Peanut Butter Wolf says. “We’ve been together eight years and have had 100 releases, and have never had a follow-up.”

To celebrate its 100th release, the label put out a combo DVD/CD, “Stones Throw 101.” The label’s official 100th release was an exclusive vinyl EP that Throw Records distributed through a hip-hop gift box.

“We viewed ‘101’ as a DVD, and the CD was an added value,” Wolf says. “The DVD is just everything we released over the years that wasn’t commercial enough for MTV.”

Additionally, Stones Throw has launched an imprint to reissue ’70s disco releases. The label will specialize in vinyl, but a full-length CD compilation is planned for this spring. Some of the acts being reissued include Luther Davis and the Melton Brothers Band.

EURO INDIES: The 2005 Midem conference, set for Jan. 23-27 in Cannes, will stage its first international indie summit, which will examine the role and strategies of indie labels and their associations.

The panel will include representatives from European indie labels body Impulse, the newly formed American Assoc. of Independent Labels (see Opinion, page 10) and Australia’s Assn. of Independent Record Labels. The American Assn. of Independent Labels will stage a meeting the evening after Jan. 22 panel called “Digi-

Radio Industry—Making Their Own Way.” Beguirs Group chairman Martin Mills will deliver the Midem keynote.

Retail Track

Continued from page 35

book merchant, and since he doesn’t own a monopoly on stealing a good idea, one of his fellow Coalition of Independent Music Stores outlets micromanicked him. Up in Buffalo, N.Y., Gsovindle Kartha, owner of New World Records, says, “I think it’s brilliant. We sent an e-mail to our customers on Christmas Eve, and we have [reduced] nearly $1,000 on them. Our customers are digging it. They tell us, ‘I am so happy, because I want to buy from you.’”

INTERESTING TIDBIT: When rumors were first floating around about the merger between Alliance Entertainment Corp. and Source Interlink, before the union became official, there was speculation that both companies were holdings of Ron Burkle’s Yucaipa.

When I reported on billboard.biz Nov. 11 that the deal was about to go down, I stayed away from that speculation. By the time the merger was officially announced Nov. 18, my research had shown that there was no Burkle connection whatsoever between the two companies beforehand.

But I now discover that the two companies did indeed share a connection, if not through Burkle. Both, to a degree, owe their livelihood to Joe Bianco, chairman of Redux Records. Bianco created AEC by buying Bassin Distributors first and then rolling up other one-stops and independent distributors. When AEC went bankrupt and was reorganized by the Yucaipa acquisition, Bianco left the company and, with the aid of Anil Narang, duplicated the AEC strategy a degree in the magazine distribution business. In 2001, he sold the company he was building, Interlink, which included International Periodical Distributors, to Source Information Management, which was headed by Leslie Flegel.

Bianco is long gone from both companies and, along with Narang, is in the midst of a roll-up of independent label catalogs via Sheridan Square Associates, which owns Artemis, Musicrama and Compen
dia (see The Indies, this page).

He says of the AEC-Source Interlink merger, “I was exposed to Leslie Flegel’s strategy in the early 1990s, and I thought it was right then, and I think it’s right now. With the [proposed] merger, with Source Interlink [Flegel] controls the checkout lanes, and with AEC he will control just-in-time delivery.”

PASSINGS: Condolences to the friends and family of David Roth
dorf, who died Nov. 22 from cancer in White Plains, N.Y. Roth
dorf was VP/merchandise manager for E.J. Korvettes, the defunct discount department store chain that was once a fixture in New York. He headed the record, book, audio and fine arts department for the store.

With today’s music account base dominated by discounters, Roth
dorf is remembered as a pioneer when he worked for Korvettes from 1958 to 1981.

Rothfeld “was an innovator. Kevin was the first big dis
counter and one of the first complete catalog stores,” says Jerry Greene, president of Gotham Distributing in Conshohocken, Pa. “He survived a man with more refinement. And he was a pioneer. Probably before anybody else he ran a really mar
tial record department in a department store.”

During his career, Rothfeld was active in the music industry’s char
city efforts. He was the first chairman of the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research. In addition to other charitable contributions, he was the first honoree for the music industry division of the United Jewish Appeal.

Aside from his tenure at Korvettes, Rothfeld spent 20 years as the host of “The Stereo Treasure House” on WQXR New York. He is survived by his wife, Sara; daughters Lynn Lowin and Karen Beth; grandchildren Joanna and Jon; and son-in-law Jeffrey Lowin.

FOR THE RECORD

An article on RED Distribution’s digital division, RED-D, in the Dec. 11, 2004, issue mischar
eracterized the relationship between Victory and RED-D. Victory has not signed any digital distribution deals. However, RED-D has per
duced digital distribution for two bands on the label, Taking Back Sund
day and Atreyu, in addition to handling some online promotion for Victory acts.
BY STEVE TRAUMAN

Coming off what is expected to be another $1 billion-plus year for U.S. sales of hardware, software and accessories, the videogame industry is poised to showcase its newest products and titles at the annual Consumer Electronics Show Jan. 6-9 in Las Vegas.

"Going into 2005, the excitement is in handheld, with everything that Nintendo and Sony are doing with DS [Dual Screen] and PSP [PlayStation Portable], respectively," says Anita Frazier, entertainment industry analyst for the NDP Group, which tracks retail sales. "Both will reach out with tons of marketing muscle to get an older consumer into this market."

Frazier sees the online capability of systems like PlayStation 2 and Xbox as another major development. Additionally, the portability of wireless and telecom games is becoming more important, with interactive entertainment licenses more likely to include wireless content as well.

PRIMED FOR BATTLE

Going into CES, Sony Computer Entertainment America, Microsoft and Nintendo are showing their marketing prowess for their various platforms and product lines.

At the trade show, SCEA will introduce PSP in North America with its first playable game demo. The system launched Dec. 12 in Japan at a cost of roughly $189, with six games at about $30 each. It will debut in North America and Europe by March 31, the end of Sony's fiscal year, with more than 70 games in development.

SCEA senior public relations manager Patrick Seybold says PSP is "the first truly portable entertainment player specifically designed to provide consumers with a comprehensive entertainment experience. This includes games, music, videos, communication and wireless connectivity."

SCEA music director Chuck Doud adds, "With PSP, we see an even deeper integration with the music industry."

At the Electronic Entertainment Expo in May, Doud previewed the handheld system, which has a 3.4-inch screen with a 16:9 widescreen aspect ratio and uses Sony's 60mm, 1.8GB Universal Media Disc format to store data.

Motorola has moved into the market for digital music players with the introduction of a pair of Windows Media-compatible portable devices.

The M25 is a 256MB flash player that can hold roughly 60 songs and play for 18 hours on a single AAA battery. The device contains an expansion slot for SD or MMC memory cards, which can be purchased separately to provide 1GB of extra storage.

The M500, shown here, features a 5GB hard drive with an estimated 1,200-hour song capacity and 25 hours of playing time. It is powered by a rechargeable lithium-ion battery, similar to that used by most wireless phones.

Both devices support MP3, WMA and Audio-Reader audio files, feature an FM radio tuner and FM recorder, and are preloaded with 20 hit tracks. They ship with Motorola's PC-compatible Music Manager software.

The M25 carries a suggested retail price of $129, while the M500 goes for $229. Both are available only at Radio Shack stores and through the Motorola Web site. ANTONY BRUNO and BRIAN HARRY

Wi-Fi wireless network capability for software and data downloads is another key feature.

Microsoft chairman/chief software architect Bill Gates will deliver the preshow keynote Jan. 5. Speculation is that he will announce the debut of the hotly anticipated "Xbox 2" platform.

However, Xbox GM Cam Ferroni tells Billboard, "Our focus is on our current-generation system, based on the success of this holiday season and Xbox Live expansion.

Xbox Live, which launched in November 2002, has more than 3 million subscribers, according to Ferroni. Microsoft Game Studio released the Xbox Live-enabled "Halo 2" on Nov. 9, 2004, and by mid-December had sold more than 5 million copies worldwide. That includes the 2.25 million units (worth about $125 million) that flew out of U.S. stores in the first 24 hours.

"Pulse," also from Microsoft Game Studio, sold more than 1 million units in two months in the United States alone. Other popular Xbox titles were LucasArts' "Star Wars: Knights of the Old Republic II," Tecmo's "Dead or Alive Ultimate" and Microsoft Game Studio's "Mech Assault 2." Ferroni estimates that more than half of current Xbox titles are Live-enabled.

Although it will not be exhibiting at CES, Nintendo will hold media and publisher meetings. Nintendo senior director of corporate communications Beth Llewellyn says, "We've got a lot of momentum going with DS, as well as GameCube and GameBoy Advance."

North American retail sales of DS have exceeded 700,000 since its Nov. 21, 2004, launch, according to the company. Nintendo announced Dec. 8 that it would increase shipments from 40% to 1.4 million by the close of 2004 and to about 2.5 million by the end of its fiscal year, March 31. The DS unit has a suggested retail price of $149.

Llewellyn notes that more than half of the first DS games are wireless-enabled and include PictoChat, a wireless chat feature. "There are exciting capabilities with LAN," she adds. "Developers could program for downloadable games with preview demos, and on the Wi-Fi side, our gamers can play anywhere in the not-distant future, across the country, wherever they are."

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A Look At The 2004 Video Chart Picture

The video chart recaps are based on the 2003 chart year, which began with the Dec. 6, 2002, issue and ran through the Nov. 27, 2004, issue. These recaps reflect cumulative performance on Billboard's video charts during that period.

*Billboard* has added recaps for the Top Video Game Rentals and Top Comprehensive Music Video charts to this year's menu. The latter, which is an exclusive online chart—has been edited to focus solely on stand-alone video titles (DVD or VHS). Combo packages that include both CD and DVD components may be found within the Top Video Music recaps.

Recaps for Top DVD Sales and Top VHS Sales are based on point-of-sale data compiled by Nielsen VideoScan. Recaps for Top Music Video and Top Comprehensive Music Video are based on information compiled by Nielsen SoundScan. In each case, the recaps reflect accumulated units sold for each week a title appeared on the appropriate chart.

The Top Video Rentals and Top Video Game Rentals recaps use information from Home Video Essentials as compiled and provided by Rentak. The title summaries for these charts are based on rental transactions projected from a sample of 3,300-5,000 stores. The distributing label recaps for these two charts are formatted by Rentak, based on an inverse point system that gives titles points for each week they appeared on Home Video Essentials' charts.

Although some charts are published in Billboard only every other week, all charts are compiled weekly. Points for all chart weeks, including unpublished weeks, count toward these recaps.

Anthony Colombo compiled the recaps with assistance from video charts manager Patrick McGowan.

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**Top DVD Sales**

<table>
<thead>
<tr>
<th>Pos.</th>
<th>TITLE</th>
<th>Distributing Label (No. of Charted Titles)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>PIRATES OF THE CARIBBEAN: THE CURSE OF THE BLACK PEARL</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>2</td>
<td>SPY KIDS 3: GAME OVER</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>3</td>
<td>COLUMBIA TRISTAR ENTERTAINMENT</td>
<td>Columbia TriStar Home Video</td>
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<tr>
<td>4</td>
<td>THE LION KING</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>5</td>
<td>FIVE</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>6</td>
<td>McGOWN</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>7</td>
<td>THREE TOWERS EXTENDED EDITION</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>8</td>
<td>KILL BILL VOLUME 1</td>
<td>Miramax Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>9</td>
<td>BROTHER BEAR</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>10</td>
<td>THE PASSION OF THE CHRIST</td>
<td>Universal Studios Home Video</td>
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<tr>
<td>11</td>
<td>CHEAPER BY THE DOZEN</td>
<td>Disney Video</td>
</tr>
<tr>
<td>12</td>
<td>THE LION KING 2: SIMBA'S PRIDE</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>13</td>
<td>BRUCE ALMIGHTY (PAN &amp; SCAN)</td>
<td>Universal Studios Home Video</td>
</tr>
<tr>
<td>14</td>
<td>THE PASSION OF THE CHRIST (PAN &amp; SCAN)</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>15</td>
<td>X2: X-MEN UNITED</td>
<td>Miramax Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>16</td>
<td>KILL BILL VOLUME 2</td>
<td>Miramax Home Entertainment/Buena Vista Home Entertainment</td>
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<td>17</td>
<td>SEABASSCUT (WIDESCREEN)</td>
<td>Disney Video</td>
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<tr>
<td>18</td>
<td>STAR WARS TRILOGY (WIDESCREEN 4- PACK)</td>
<td>Disney Video</td>
</tr>
<tr>
<td>19</td>
<td>ALADDIN (SPECIAL EDITION)</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<td>20</td>
<td>SHREK 2 (WIDESCREEN)</td>
<td>DreamWorks Home Entertainment/Universal Studios Home Video</td>
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<tr>
<td>21</td>
<td>MATRIX REVOLUTIONS</td>
<td>Warner Home Video</td>
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<tr>
<td>22</td>
<td>BRUCE ALMIGHTY (WIDESCREEN)</td>
<td>Universal Studios Home Video</td>
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**Top Music Video Sales**

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<th>TITLE</th>
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<tbody>
<tr>
<td>1</td>
<td>LIVE AT DONINGTON-AC/DC</td>
<td>Epic Music Video/Sony Music Entertainment</td>
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<tr>
<td>2</td>
<td>CONCERT FOR GEORGE</td>
<td>Epic Music Video/Sony Music Entertainment</td>
</tr>
<tr>
<td>3</td>
<td>LED ZEPPELIN: LED ZEPPELIN</td>
<td>Atlantic Video/Warner Home Video</td>
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<tr>
<td>4</td>
<td>FIVE</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>5</td>
<td>SPY KIDS 3: GAME OVER</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>6</td>
<td>THE LION KING</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
</tr>
<tr>
<td>7</td>
<td>FLICKER</td>
<td>Columbia TriStar Home Entertainment/Universal Studios Home Video</td>
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<tr>
<td>8</td>
<td>CHAPPY'S SHOW</td>
<td>Sony Music Entertainment/Universal Music &amp; Video Dist.</td>
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<tr>
<td>9</td>
<td>COLDPLAY</td>
<td>Sony Music Entertainment/Universal Music &amp; Video Dist.</td>
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<tr>
<td>10</td>
<td>DISCLOSURE</td>
<td>Sony Music Entertainment/Universal Music &amp; Video Dist.</td>
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**Top Comprehensive Music Video Sales**

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<tr>
<td>1</td>
<td>PIRATES OF THE CARIBBEAN</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>2</td>
<td>MYSTIC RIVER</td>
<td>Warner Home Video</td>
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<td>3</td>
<td>THE BEACH</td>
<td>Columbia TriStar Home Entertainment/Universal Studios Home Video</td>
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<tr>
<td>4</td>
<td>THE CENTRAL PARK CONCERT</td>
<td>Disney Video</td>
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<td>5</td>
<td>THE COMPLETE MAKERSWOR</td>
<td>Sony Music Entertainment/Universal Music &amp; Video Dist.</td>
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**Top Video Sales**

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<tr>
<td>1</td>
<td>FIVE</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<tr>
<td>2</td>
<td>PIRATES OF THE CARIBBEAN</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<td>3</td>
<td>FRIENDS</td>
<td>Warner Home Video</td>
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<td>4</td>
<td>THE LION KING</td>
<td>Walt Disney Home Entertainment/Buena Vista Home Entertainment</td>
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<td>5</td>
<td>FLICKER</td>
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<td>1</td>
<td>SPIDERMAN 2</td>
<td>Activision</td>
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<td>2</td>
<td>GRAND THEFT AUTO: SAN ANDREAS</td>
<td>Rockstar Games</td>
</tr>
<tr>
<td>3</td>
<td>FINAL FANTASY XII</td>
<td>Electronic Arts</td>
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<td>4</td>
<td>DRAGON BALL Z: BUDOKAI 2</td>
<td>Electronic Arts</td>
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<td>5</td>
<td>MADDEN NFL 2005</td>
<td>Electronic Arts</td>
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<td>1</td>
<td>ELECTRONIC ARTS</td>
<td>(22)</td>
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<td>2</td>
<td>ACTIVISION</td>
<td>(7)</td>
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<tr>
<td>3</td>
<td>ATARI</td>
<td>(5)</td>
</tr>
<tr>
<td>4</td>
<td>ROCKSTAR GAMES</td>
<td>(3)</td>
</tr>
<tr>
<td>5</td>
<td>MIDWAY ENTERTAINMENT</td>
<td>(3)</td>
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**Top rental trans-
Russell's Songs Still 'Get Around' At ASCAP Fete

Holiday parties aside, a favorite year-end tradition is the ASCAP Foundation Awards. The ninth annual event, held Dec. 2 at the Walter Reade Theater at Manhattan's Lincoln Center, honored a wide variety of scholarship, fellowship and residency recipients who benefit from foundation programs.

But the most memorable moments are the Lifetime Achievement Award presentations. For ASCAP president/chairman and foundation president Marilyn Bergman, her presentation to the daughters of late master lyricist Bob Russell (“Don’t Get Around Much Anymore,” which paired Russell’s words with Duke Ellington’s “Never Know Lament,” and “Ballerina,” written with Carl Sigman) was profoundly personal.

“I never would have become a songwriter if it weren’t for Bob Russell,” she said, citing him as her “mentor and teacher and dear, dear friend.”

In tribute, the Persuasions performed an a cappella version of “He Ain’t Heavy, He’s My Brother.” Written with Bobby Scott, it was a huge hit for the Hollies in 1970, the year of Russell’s death. His grandson, singer/songwriter Luther Russell, sang “Bluebird in the Rain”—the last song his grandfather ever composed.

“Our father wrote a full story in 32 bars,” Russell’s daughter Lisa Spears said, describing the lyricist’s gift. Another daughter, Molly Hyman, shared wisdom her father imparted that not only benefited her enormously but resonates loudly with all songwriters: “The life of a copyright is quite long—take care of the copyrights, and they will take care of you.”

Jack Lawrence, whose first song was published in 1932—the year he graduated with a doctorate in podiatry—a kindred spirit of original training in accepting his Lifetime Achievement Award.

“[It’s a] wonderful phrase,” Lawrence, now 92 and author of the recently published autobiography “They All Sang My Songs,” said about the award’s title. “It sounds so final.”

Lawrence was named by Madeleine Peyroux with his standards “Tenderly” and “Beyond the Sea”—the latter Bobby Darin classic now the title of Kevin Spacey’s film starring in another ASCAP fete. Michael Feinstein was given the inaugural ASCAP American Songbook Award at a Dec. 6 reception at his nifty, Feinstein’s at the Regency.

The citation, established to honor and recognize deep commitment to the timeless music of the great American songwriters of the 20th century, was certainly deserved. That was evident by the tributes performed by songwriters Jimmy Webb (“Didn’t We,” which Feinstein included on his 2003 Concord album “Only One Life: The Songs of Jimmy Webb”) and Alan Bergman (“How Do You Keep the Music Playing?”).

WHY, CHARLIE! Longtime National Music Publishers’ Assn. counsel/senior VP Charles Sanders has been named executive director of Artists Against Hunger and Poverty (A2HP), the artist-friendly and songwriting initiative operated by music industry group Without Hype.

The singer/songwriter Harry Chapin co-founded WHYP with radio talk host Bill Ayres, its current executive director. Before his death, Ayres was the public face of WHYP and his contacts and experience in the music industry to help take A2HP to the next level is an opportunity I have looked forward to since the day I first met Harry and Bill in the 1970s,” says Sanders, who organized WHYP’s star-studded 1987 Carnegie Hall tribute to Chapin.

“Traditionally, the music industry has been led by the record companies in terms of involvement in charitable projects. But the songwriting and music publishing community is equally aware of the problems that need be addressed—and in some ways is even better equipped to donate time, energy and money to making the world a better place,” Sanders says.

The program is supported by ASCAP and recording acts including Aerosmith, Bruce Springsteen and Carlos Santana.

Sanders, incidentally, is also a historian. His book, “The Boys of Winter: Life and Death in the U.S. Ski Troops During the Second World War,” has just been published by the University Press of Colorado.

HAPPY NEW YEAR: With proceeds partially benefiting the North American Folk and Dance Alliance, photographer Jayne Tooley has issued her inaugural “WINTER: The Years Calendar,” featuring nude portraits of esteemed singer/songwriters as cover girls Janis Ian, Christine Lavin, Laura Love and Ellis Paul. But please, no sex at all.

As the Feb. 13 presentation of the 47th Grammy Awards in Los Angeles draws near, Studio Monitor will take a look each week at one of the diverse nominees for best engineering- nized album, non-classical. As top practitioners of their craft, these professionals consistently deliver outstanding recordings of the artists with whom they work.

“Brian Wilson Presents SMILE” was recorded by Mark Linett in April 2004 at Sunset Sound in Hollywood, where some of the original tracks for SMILE, an ultimately abandoned Beach Boys project, had been cut in 1966-67.

Vocal overdubs and mixing were completed at Linett’s studio, Your Place or Mine.

Linett’s account of the work on the album offers a fascinating comparison to the original sessions amply featured in the Showtime documentary “Beautiful Dreamer: Brian Wilson and the Story of SMILE.”

Indeed, the portrayal of those mid-1960s sessions, in which Brian Wilson conducted his elaborate “teenage symphony to God” within the confines of non-antiquated technology, is the most compelling facet of “Beautiful Dreamer.”

Wilson’s modular approach to recording, in which songs were recorded in sections and later assembled in full, is easily accomplished in the digital audio workstation realm. Lacking nonlinear editing, however, such a task—invoking prodigious tape edits, the time requirements of endless changing of acetates to audition sequences and the mental acuity to see both the task at hand and the larger picture—is testament to Wilson’s genius.

“It’s almost like he predicted nonlinear recording and editing,” says Linett, who recorded “Brian Wilson Presents SMILE” to Pro Tools at 24-bit/88.2kHz.

“We won’t say he invented it,” Linett allows, “but starting with ‘Good Vibrations,’ he wanted to record that way and was doing it in spite of the rather enormous limitations of the technology. When he got to ‘Heroes and Villains,’ he took it one step further and just started creating thematic pieces. He was really creating the ultimate musical jigsaw puzzle.”

Daw recording, Linett says, would have had an in calculable impact on “SMILE” in 1966, but its assistance was just as important in 2004. “I won’t say we were concerned with getting this done quickly, he recalls, “but we couldn’t afford to take the kind of time that Brian spent back in the day, just because he doesn’t have the patience for it anymore. We needed to be able to do things quickly to satisfy him creatively.”

“SMILE” was mastered by Bob Ludwig at Gateway Mastering in Portland, Maine. Analog cutting for the two-disc vinyl edition of “SMILE” was handled by Don Grossinger at Masterdisk in New York. Grossinger also EQ’d the four instrumental bonus tracks on Side D of the vinyl release.
Oz R&B Breaks Out

BY CHRISTIE ELIEZER

SYDNEY—Is the world ready for Australian R&B? The emergence of domestic urban/R&B acts was recognized Oct. 17 at the 2004 Australian Record Industry Assn. Awards, when Canberra hip-hop duo Foolism won the inaugural honor for best urban act. Now, a string of Aussie R&B acts are hoping to break into the global market in 2005. But the acts and their labels face a dilemma: Play up their national identity and culture to differentiate themselves from the U.S. acts that dominate the genre, or downplay such factors and compete with the Americans on their own terms.

"In R&B they’re not looking for a distinctive Australian twist," Warner Music Australia's acting chairman Chris Moss insists. "It’s all about the song and the calibre of the artist."

Libertan/R&B vocalist Christian Alexandra says, "R&B generated from America has a distinctive sound. That’s what it is across the world and it identifies with. To put a digerendo on it just to say ‘It’s Australian’ would be just ridiculous!"

Australian's first home-grown R&B star, Selvon Prentorius, emerged in 2001. Sony Music Australia signed him at the age of 18 after he appeared on the "Popstars TV talent show. He scored two top 10 hits and a gold-certified album ($35,000 units) with "Meant to Be" on Epic in 2002. However, his November 2004 sophomore set, "One Way," has failed to chart.

Perth-based, South African-born Prentorius scored with a poppy take on R&B that was heavy on American accents and mannerisms. Although he found audiences in Australia and South Africa, he drew criticism from the media and some artists Down Under for directly copying U.S. acts.

While most Aussie R&B acts do follow the U.S. musical blueprint, their lyrics are another story:

"We come from a culture that is immersed in American culture, but it’s still different," maintains James Huber, CEO of Sydney-based production house and label Legit Music. "We don’t sing so much about ‘gangstas,’ ‘bling bling’ and life on the streets. It’s more likely about a more positive lifestyle, about having a good time!"

Lorna Omeissan, managing director of Sydney-based Lorna Omeissan Management, suggests that U.S. labels are now interested in acts with "different outlooks." She is shopping a U.S. deal for Nessa Morgan, a feisty New Zealand-born, Sydney-based singer. Morgan's Don Was-produced debut album, "Sex and Poverty," released on BMG in Australia, was hailed domestically as one of the best albums of the year.

French Court Judgment Hits ‘Private’ Copying

BY JAMES MARTIN

PARIS—French judges appear to have closed a legal loophole that allowed for illegal copying of music and movies.

On Dec. 3, a tribunal of judges at the high court in Blois handed down a two-month suspended sentence and fines of 20,000 euros ($25,600) each to two individuals found to have physically exchanged copies of films. Industry observers say the judgment is significant because it clarifies the situation regarding copying under France’s 1994 Copyright Act.

The defendants, Jean Hernandez and Thierry Vongny, had claimed that their activities were legal because the Copyright Act states that copies of protected works can be made if they are strictly for private use. Rights-holders are compensated for lost revenue through a levy on blank recording media.

In October, an individual in Rodez was discharged by a local court despite having been found in possession of 488 copied films, as no proof of exchange could be determined.

But the court in Blois ruled in favor of French video industry trade body SEV, which had brought the case. SEV proved to the court’s satisfaction that Hernandez and Vongny had exchanged copies of films. The court ruled that such exchanges meant that the “private copy” exemption did not apply. The court also heard that multiple copies of films on CD-ROM had been found during SEV-led raids on the defendants’ homes.

Several similar cases covering exchanges of copyrighted films and music are pending in France. Marc Guéz is director general of collecting society SCPP, which represents French record labels. He says the judgment has ramifications beyond the video/film industry, as the Copyright Law does not discriminate between audio and visual products.

Guez notes that June SCPP has launched 50 class actions against individuals in France, alleging illegal copying and exchange of music product—primarily through online file sharing.

"Although [peer-to-peer] networks were not used in the Blois case, for us there’s no difference between digital or physical exchanges," he says.

Guez adds that the judgment makes clear that copyright is breached as soon as a private copy becomes a missed potential sale. The instruction comes when you get hold of a copy of something you didn’t own in the first place," he says.

SCPP’s policy of using the courts to tackle individuals who illegally copy music—in addition to fighting commercial piracy—has attracted criticism in France since it was adopted in summer 2004. Consumers’ organizations and collection societies have attacked the policy.

The consumers’ groups claim such legal action is a disproportionate response to a problem that would be better resolved through debate. While Adams and Speedyam insist that a levy on Internet service providers would be a better way to compensate artists for income lost to online piracy.

Guez says SCPP does not expect...
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<td>6. MATSUKE Samba OLE (EP)</td>
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### THE NETHERLANDS | SWEDEN | NORWAY | SWITZERLAND |
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<td>1. WHO LEFT WHO</td>
<td>1. DO THEY KNOW IT'S CHRISTMAS?</td>
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<td>5. MIO</td>
<td>5. TAURUS</td>
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<td>6. ALEX</td>
<td>6. WILSON WILSON</td>
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*Hits of the World is compiled at Billboard/London.*
**Labels Brush Up On U.K.'s The Rakes**

Only 18 months after forming, alternative rockers The Rakes have become one of the United Kingdom's most sought-after unsigned acts. The London-based band's debut single, "22 Grand Job," was released in May as a 500-copy limited edition on indie Trash Aesthetic, which has since shuttered. The single is already collectors' item. "We've signed a publishing deal with Warner Chappell, but it's only recently that we've been getting offers from labels," Rakes manager Neil Fallows says. "We've had to prove that The Rakes are a viable long-term prospect."

Word is spreading beyond the United Kingdom. The band's highly charged performance in December at French festival Transmusicales de Rennes before more than 3,000 fans was hailed by local and international press as one of the event's highlights.

The Rakes hope to release a new single, "Retreat," at February's end. "There are several offers tabled," Morris says. "We expect to have finalized a label deal by the end of January." *GARY SMITH*

**AFRICAN HONORS:** South African singer Thandiswa Mazwai and the Congo's Werrason were the big winners at the annual Koraa All-Africa Music Awards, held Dec. 12 at the Sandton Convention Centre in Johannesburg. Mazwai was named best female African artist and best female artist from Southern Africa. Werrason was named best male African artist and best male artist from Central Africa.

The Koraa, which comprise 23 categories, were founded in 1994 by Benin-born entrepreneur Ernest Adjovi, who remains chairman of the event. A Pan-African industry panel determines the winners.

The Koraa also honor those from the African diaspora. Usher was named best diaspora artist, U.S., and France's Raysha won the award in the Europe-Caribbean category. The event was televised live across Africa and via cable/satellite to Europe, Asia and North America.

**NEW LIFE:** Its soothing selection of DJ-free, multigenre programming has won Milan-based Lifegate Radio a devoted following in the city and surrounding region of Lombardy, Italy. Now the station is looking to sign on to its newly launched Life Radio label, following a positive response to its first release, "La Spina," the debut album by local jazz vocalist Folco Onelli, issued in November.

"Pounding a record label may be a brave move in the current climate," station head/label manager Enza Roveda admits, "but even if the CD business is in crisis, music itself never will be. There are absolutely good unsigned artists out there. Lifegate Radio claims a 13% audience share in Milan. It began broadcasting in 2001.

**MARK WORDEN**

**COOKING REGGAE:** London-based independent Cooking Vinyl is continuing to spread into areas far from its folk roots with the launch of reggae reissues imprint Hot Pot. The label's first two releases are due internationally March 7. They feature material licensed for the world from Jamaican producer/engineer Glen Brown and Osiblde Hallett. "Rhythm Masters Volume 1" is a compilation of Brown's performances and production of such acts as I Roy, Gregory Isaacs and Big Youth between 1972 and 1974. "Ernest Adjovi & the Revolutionaries: "Earthquake Dub" is an expanded version of his 1978 album. Hot Pot is headed by Mike Chadwick and Steve Barrow. Chadwick is managing director of marketing company Essential Music & Marketing, which he co-owns with Cooking Vinyl founder Martin Goldschmidt. Hot Shot director Barrow is also MD of the UK-based reggae reissue specialist Blood and Fire. Chadwick says he has always wanted to work with Barrow, whom he calls "one of the leading experts on reggae music."

**TOM FERGUSON**

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**COMMON CURRENT**

A weekly scored list of albums simultaneously among top 10 chart status as of March 5.

**ARTIST**

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<th>Country</th>
<th>USA</th>
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**GLOBAL**

- **Tom Ferguson, Editor**
- **www.fergusonbillboard.com**
Nova Scotia Characters Populate Gunning's Songs

BY LARRY LEBLANC

TORONTO—For inspiration for his fourth album, "Two-Bit World," Canadian singer-songwriter Dave Gunning had only to look around him.

"Two-Bit World" is built around colorful real-life characters from Gunning's picturesque Atlantic home, Pictou County. Located on the Northumberland Shore of Nova Scotia and renowned as the "birthplace of New Scotland," Pictou County is where the first Scottish immigrants to Canada landed in 1733.

"There are lots of stories floating around Pictou County," Gunning says. "I like the chance of hearing a story and turning it into a song. It makes me feel like I'm contributing something."

"Two-Bit World," independently released in August 2004 and distributed nationally by Festival Distribution in Vancouver, has been selling mostly in Atlantic Canada. However, enthusiastic online and industry talk has exposed it to more people.

"I'm surprised the record has been so well-received," Gunning says. "I sold close to 3,000 copies. I wrote these songs in my head. I'm now getting e-mails from DJs in the U.S. that are hearing about it through chat pages."

Gunning came to know about Pictou County by listening to locals and reading regional history books. He then wrote songs with such local musicians as J.P. Cormier, John Neuf, Fred Lavery, Steven Bowes and Jamie Robinson, who produced the album.

"Two-Tier's Song," written with Neuf, was inspired by a two-foot-high clown-shaped gravestone in a Pictou County cemetery. The song chronicles the life of Twitt Johnson, a professional clown who traveled North America with circuses in the 1940s. Eventually, he returned home to Pictou, where he was buried. An actor portraying Twitter can be seen on the album's cover standing behind Gunning.

"The Prince of Pictou," written with Robinson, was inspired by local legend that an 18th-century Pictou resident was one of the four illegitimate sons of Britain's King George IV. The resident, who died at the age of 33, was reportedly buried in Pictou's Laurel Hill cemetery. "Jamie and I wrote the song from a point of view of him being an outsider," Gunning says.

The album opener, "The New Highway," was inspired by an old man who used to walk to cars driving by his house. Then a four-lane highway was built, bypassing his stretch of road. Soon after the highway opened, the man died. "I used to take trips to Truro and wave to him as he would sit on his porch," Gunning says.

"I would always wonder about his story."

The album features two traditional songs, "Fills Of White Mercury" and "Broom o' the Cowdenknowes," as well as a spirited rendition of the Scottish folk song "The Selkie." The album is the first in a Nova Scotia standard "Long Black Veil," recorded as a duet with local singer/guitarist Charlie Acton.

Gunning grew up in Lybrook, Nova Scotia. As a kid, he was smitten by Hamilton, Ontario, troubadour Stan Rogers, who died in 1983.

Gunning recalls, "When I was 9, [Cape Breton singer] John Allen Cameron came through town, and Stan Rogers was the opening act. Stan Rogers put Atlantic Canada on the map with songs like 'Barrett's Privateer,' 'Make and Break Harbour' and 'The Mary Ellen Carter.' We were proud of his love for the identity of the songs that he wrote."

(Continued on page 45)

Oz R&B

Continued from page 41

vocal finds of 2004.

"The reaction I've [gotten] from U.S. labels is that they're looking for someone who sings about real issues, such as poverty and the homeless," Omeissah says. "Most American urban acts tend to sweep these issues under the carpet."

The hot topic of China in the Forbidden City has followed the success of R&B-style vocalist Guy Sebastian, 2003 winner of the "Australian Idol" TV talent show.

The Malayan-born Australian resident has notched three No. 1 singles and shipped 600,000 units of his first two albums on BMG, according to the label.

Sebastian is a staunch Christian whose lyrics stay well away from gangsta themes. He also avoids overt sexual material. "There's a difference between being sexual and sexual," he explains. "Christians can be very sensual."

BMG will issue his sophomore set, "Beautiful Life," in April in six Asian territories. Although neither of Sebastian's albums has been issued in the United States, he did appear as a guest during the November 2004 finale of "American Idol." His Sydney-based manager, David Caprice, says the TV appearance has created some interest in the States.


Two of the current crop of Aussie R&B acts have signed directly to U.S. labels. South African-born Jeremy Gregory has a deal with Warner Bros. Daniel Merriweather has one with Allodi, the imprint of New Zealand-based producer Mark Ronson, who discovered the Melbourne native on a mix tape.

Gregory and Merriweather have cut debut albums with U.S. musicians and producers.

Gregory's release, which includes collaborations with Macy Gray, drops Stateside in April. Merriweather's is due in early 2005, according to the label. Both albums will arrive Down Under on Warner. Music Australia and Marlin/PMR, respectively, to coincide with the U.S. releases.

SHOW TIME

Other acts without U.S. deals are setting up showcases in the States. Cristian Alexander hits the United States in March. Liberation released his debut album, "Cristyle," in Australia in November 2004, and it will appear during the coming months in six Asian territories through a regional licensing deal with EMI.

Classically trained vocalist Jade Ma (Roadshow/Sony BMG) — who paid for her studies at the Sydney Conservatorium of Music with gigs as a session singer — will showcase in the States and Europe in February.

However, some emerging Aussie R&B talents are looking to other markets for their international breakthrough.

David Lawrence, A&R manager at Roadshow, confirns that the company is negotiating with distributors to release the debut album by Philippines-born producer/performer Israel Cruz throughout Southeast Asia in 2004.

In Europe, Polydor U.K. has signed a regional deal with Sydney-born vocalist Kate Elsworth. Her debut Australian album on Polydor is due in the first quarter, while Polydor will release a first single in Europe in August.

Elsworth's latest stablemate, Zimbabwian-born producer Audius Masawara, is preparing a solo album titled "Music & Me." He says "that can be an expensive proposition," he says. "Ultimately, it goes down to your faith and your acts—and the realization that you are world-class."
Czech Collecting Societies Criticize Copyright Change

Amendment In Senate Would Affect Hotel Licensing Deals

BY MARK ANDRESS

PRAGUE—A proposed amendment to the Czech Republic’s Copyright Act concerning music performances in hotels has angered collecting societies, which fear substantial revenue losses. The amendment to the Copyright Act of 2000 would require hotels to pay fees for performances of recorded music on radio and TV in public space, not in individual guest rooms, as is currently the case.

The Czech Parliament’s lower chamber passed the legislation in late November. Before it becomes law, the amendment must be approved by the Senate, which is due to discuss it Jan. 5.

HOTELS GAIN MORE LEeway

“The amendment is completely the opposite of what is common in the Western world,” says Karel Kucera, managing director of the Czech arm of the International Federation of the Phonographic Industry. “The vast majority of [Western] countries agree that playing music in a hotel room is a public performance and should be paid for.

Currently, Czech hotels pay fees for playing music on radio and TV to the country’s three largest collecting societies: OA and Billa, representing authors, and Intergrum, which collects on behalf of Czech labels and performers. The societies claim total monthly fees of 300 Coralna ($13) for each hotel room equipped with a radio and a TV set. Intergrum’s license fees form the largest part of those payments.

The new law would also take away the societies’ right to set the levels of fees, instead, the bodies would have to negotiate the amounts with individual hoteliers.

The law would allow hotels to have radios and TV’s playing music in public places as long as they have begun negotiations with the collecting agencies. They will not need to have closed a licensing deal first, and the amendment does not set a time limit for that—nor does it set sanctions that collecting societies could enforce for failure to close a deal.

Critics of the amendment fear that hotels could, in theory, play music in public spaces indefinitely, without ever signing a contract.

Kucera claims that Czech lawmakers are ignoring the international intellectual-property treaties the country signed as part of its preparations for joining the European Union on May 1, 2004. Those include the World Intellectual Property Organization Performances and Phonograms Treaty and the World Trade Organization’s TRIPS agreement, covering intellectual-property rights.

The music industry could seek to enforce those treaties in the Czech Republic through international courts.

Milan Rambousek, general secretary of Czech hotel and restaurant association HOREKA, points out that the amendment affects only guest rooms and that royalties will still have to be paid for publicly accessible areas.

He says hotel rooms are considered under Czech law to be an extension of a private living space.

OSA chairwoman Alexandra Winischova-Pujmanova complains that the amendment fails to clearly define a “public place.” She fears that the term could be misinterpreted to cover all hotel rooms accessible only to guests, not just their rooms.

Authors represented by OSA would lose at least 30 million Koruna ($1.3 million) in annual royalties because of the amendment, she claims.

OSA says that if the amendment passes into law, it will appeal to the Czech Constitutional Court and, ultimately, the European Court.

French

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judgment in any of the class-action cases until late 2005.

One earlier case that has been heard in court is the judgment. On Dec. 15, a prosecutor at the court in the Paris suburb of Nanterre requested a 1,500 euro ($1,995) fine against a P2P user who had allegedly made music files available on the Internet.

Plaintiffs of CPP and authors’ rights society SACEM are seeking 28,400 euros ($38,000) in compensation. The individual was accused of offering more than 10,000 files for download through a service called Direct Connect between August 2003 and August 2004. He had argued that he had been downloading tracks for private use rather than uploading. A ruling is expected Feb. 2.
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Kazaa

Continued from page 6

necessary" to design the FastTrack P2P system without such software tools, he said.

At one point during the trial, Justice Murray Wilcox demanded that Sharman chief technologist Philip Morle take the stand again to schedule an explanation of the system.

The labels' lead barrister, Tony Bannon, questioned Morle about the system's ability to filter pornographic material. This could show an ability to filter unauthorized music files.

The Kazaa Web site states a "no-tolerance policy with regard to child pornography and other obscene material." Its operators retain the right to "permanently bar" users who share such files.

In addition, Sharman executive VP Alan Morris described the company's porn filter when he testified last September before the U.S. Senate judiciary committee, which was tackling issues of child pornography over P2P systems. It is "the most comprehensive and effective password-protected family filter available with any P2P software application," his testimony stated.

Morle said users could distribute child pornography over Kazaa, and he did not know how anyone could be permanently barred.

Bannon also asked Morle to sign on to Kazaa in the courtroom, using a "special command line." This led to those in attendance witnessing a connection to an alleged central server in Denmark, which Morle said he thought had been "phased out." The labels claim there is "a bank of some 20 computers in Denmark" controlling Kazaa.

During the 13-day trial, the parties submitted "hundreds of pages" of documents and sworn affidavits of expert witnesses as evidence. Only a portion of those witnesses provided live testimony.

Attempts to establish the operators' ability to control the network, other music industry experts said user statistics have been collected by Sharman, users' activity could be monitored, and logs could be maintained to trace users' locations.

Sharman offered opinions that the company could control only the user interface—not the underlying network—making it incapable of forcing upgrades or changes on existing users. It also argued that filtering would be ineffective.

The trial is adjourned until Jan. 17, when there will be a hearing on the admissibility of evidence of legal advice given to the Sharman parties about their business and whether it would infringe copyrights.

Closing arguments will be held March 22 and 23.

Additional reporting by Kristyn Maslog-Levis, ZDNet Australia.

Digital

Continued from page 8

When SoundScan began tracking individual downloads at the end of June 2003, sales totaled slightly more than 600,000 tracks per week.

It took a little more than four months (from the end of June to the middle of November 2003) to reach weekly sales of 1 million downloads. The run to weekly sales of 2 million downloads required slightly more than three months (mid-November to mid-Feb. 2004), following the introduction of iTunes on the Microsoft Windows platform. The build to sales of 3 million downloads in a week took more than six months (mid-February to the end of Aug. 2004).


Meanwhile, download sales for 2004 topped 135 million tracks, according to SoundScan. That figure does not include full-album downloads.

The U.S. market for physical singles has not seen annual shipments of more than 100 million units since 1997, according to the Recording Industry Assn. of America.

But the price points for physical singles were considerably higher than their digital descendants. The U.S. singles market at that time was valued at $441.8 million. U.S. digital music sales in 2004—including downloads, on-demand streaming and subscription radio revenue—are expected to be worth about $250 million, according to Jupiter Research.
Blues Concerts talent buyer Paolo Palazzo. She has this touring recomendation for the new INXS lineup: "They should do 2,000-capacity venues to start. It's better to start small and then build momentum.

Palazzo believes that the successful track record of "Rock Star" executive producer Mark Burnett (who also executive-produces the hits "Survivor" and "The Apprentice") can help the show. "But they have to really make sure that they don't disrespect the fans and the legacy of Michael Hutchence."

Audience participation in the selection process will increase the chances of the show being a hit and of INXS getting a lucrative major-label deal, because it could bring them a whole new audience. "The American Idol" has says Dayle Deanna Schwartz, author of "The Real Deal: How to Get Signed to a Record Label" and "Start and Run Your Own Record Label," both published by Billboard Books.

Schwartz notes, "This show could be very good for INXS career."
Thank You, Santa Claus

Now that Santa Claus has boosted the Christmas sales window with two extra gift shopping days, we'll see what the music industry can do with an extra week.

Static holidays—those that occur on the same date each year—fall a day of the week later than they did in the prior year over the course of a 365-day calendar. Add leap year to the equation, though, and Christmas landed on Saturday in 2004, after Thursday in 2003.

With the tracking week for most reporting accounts ending on Sunday (the remainder report sales on a Sunday-Saturday cycle), the later in the week the holiday falls, the more benefit merchants see from gift shopping.

The upside of the calendar quirk is especially vivid in this issue’s top 10. Nine of the week’s 10 best sellers have a higher sum than their counterparts from the Christmas stanza of 2003. The lone exception is at No. 2, where “Now I” posts 356,000, compared with the 371,000 that Alicia Keys had as the runner-up during last year’s holiday week.

Consequently, volume in the top 10 is almost 19% higher than it was during the closing week of 2003. Overall album sales, including catalog titles, are up by 4.5%, which breaks the ugly 13-week slide that saw album totals trend those of the same 2003 frame.

The UNLIKELY CHRISTMAS KING: In many holiday tides, the inflection of gifts bought by grandparents, aunts and uncles has benefitted brand-name acts like Bruce Springsteen, Michael Jackson, Garth Brooks and ’N Sync, talents who represent a comfort zone for older consumers, by virtue of not only popular appeal but also nonthreatening lyrics. Thus, it is a bit surprising that the album that sees the largest increase on The Billboard 200 belongs to none other than rapper Eminem, the poster child for controversial content.

His “Encore” realizes a 36% uptick, enough of a swell to not only emerge as Christmas week’s top seller, but to be the only album to surpass 400,000 copies (420,000, up by 115,000 units). It marks the first time the title has been No. 1 since its second week in stores; this rally, however, marks its third straight sales increase. Eminem’s growth is even more puzzling when you look at his radio and video picture. “Mockingbird” is gaining, but not like gangbusters, bulging 28-21 on the Rhythmic chart but having a slower go with pop and R&B stations. The song enters Billboard Airplay Monitor’s Mainstream Top 40 list at No. 39 and remains absent (Continued on page 52)
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<td>VELVET REVOLVER</td>
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The largest percentage spike among those belongs to Snopp Dogg, who rises 25-20 on a 52% gain. The diverse class also includes Destiny's Child (6-4, up 31%), Usher (9-6, up 33%), Green Day (13-9, up 39%), Tim McGraw (15-11, up 34%), Nelly (16-12, up 32%) and Gretchen Wilson (20-16, up 30%).

The only titles in the top 20 to sell less than they did a week earlier belong to the late 2Pac (No. 13) and "American Idol" champ Kelly Clarkson (No. 19), the latter by down 4% in her fourth chart week.

2Pac, who led the chart during Billboard's hiatus week, has a second-week side of 34%, not good for a rap album that starts off large. Incidentally, and in case you're still Buffalo, charts from the only week that Billboard does not publish are available to paid subscribers of billboard.com and billboard.biz: they are also sold by Billboard Research (research@billboard.com).

The question that adulated me when Billboard colleague Ed Christian and I compared notes at the end of 1998, the last tracking year to add an extra week to the typical 52:

That year was already a winner without the extra juice. Subtract the 17.6 million album units that were sold during that 53rd week, and 1998 album sales still led prior-year volume by 12%. With that additional cushion, the year ended up beating 1997 album sales by 11.7%.

This time, thanks to the extra stuff being more crucial than it seemed we would in early September, when album sales led those of 2003 by more than 7%.

With the Christmas-week victory, the gain over prior-year album volume improves from 1.2% a week ago to 1.4%.

Aside from 1998 and 2004, the only other year in the SoundScan era to include 53 weeks was 1993.
<table>
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<td>GEORGE BENSON</td>
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**Billboard Top Jazz Albums**

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<tr>
<td>ANDRE ROUCH</td>
<td></td>
<td>Remember Me (Warner)</td>
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<tr>
<td>HENRY HANCOCK</td>
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<td>Juju (Warner)</td>
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<tr>
<td>AYRES</td>
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<td>The 50 Greatest Hits (Warner)</td>
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<td>PETER WHITE</td>
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<td>Whispers Of The Heart (Warner)</td>
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**Billboard Top Classical Crossover**

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<td>JOSH GROBAN</td>
<td></td>
<td>Close (Warner)</td>
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<tr>
<td>SARAH BRIGHTMAN</td>
<td></td>
<td>Live From Las Vegas (Warner)</td>
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<tr>
<td>HAYLEY WESTENRA</td>
<td></td>
<td>Pure (Warner)</td>
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<tr>
<td>MORMON TABERNACLE CHOIR</td>
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<td>Mormon Tabernacle Choir (Warner)</td>
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<td>SARAH BRIGHTMAN</td>
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<td>Haven (Warner)</td>
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<td>YO-YO MA</td>
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<td>Obrigado Brasil (Warner)</td>
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<td>CHANTER WITH HUBI VITTI FURUNI</td>
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<td>New Soul Of The Spirituals And Traditional Music Of Africa (Warner)</td>
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<td>TAN DUN FEATURING ITZHAK PERLMAN</td>
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<td>Hero (Warner)</td>
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<td>THE TEN TENORS</td>
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<td>Larger Than Life (Warner)</td>
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<td>THE IRISH TENORS</td>
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<td>Heritage (Warner)</td>
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<td>ANDRE ROUCH</td>
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<td>YO-YO MA</td>
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<td>Obrigado Brasil! Live In Concert (Warner)</td>
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<td>BÉLA FLECK/EDGAR MEYER</td>
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**Billboard Top Contemporary Jazz**

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<td>Richard</td>
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**Falling In Love**

- **Artist(s):** Various
- **Publisher(s):** Various
- **Catalog: SMB**
- **Label:** Various
- **Total Sales:** Various

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**Breathe**

- **Artist(s):** Various
- **Publisher(s):** Various
- **Catalog: SMB**
- **Label:** Various
- **Total Sales:** Various
As sales of digital downloads continue to reach record highs (see story, page 8), Green Day holds at No. 1 on Hot Digital Tracks for a third week with "Boulevard of Broken Dreams." It posted 28,500 paid transactions for the holiday week (up 35%). The band's "1,2 Step" is close behind at No. 2 with a 53% increase, trailing "Boulevard" by slightly more than 220 downloads.

Each of the top 17 titles show increases of at least 20%. The leading gain among those that were on the chart a week earlier is the 100% jump for "Bowling for Soup's "1985," which returns to the top 10 with a 4.7 lean.

Three of those 17 do not bulge, because the volume blast necessitates a higher bullet criteria, with the standard rising from 10% to 50%.

While Snoop Dogg's "Drop It Like It's Hot" comes in at No. 3 on Hot Digital Tracks with 24,000 downloads, it ranks at No. 1 on the Nielsen SoundScan weekly High Selling Digital Songs. Soon to be published in Billboard, that chart combines multiple versions of the track. The four available edits of "Hot" sell a collective 32,000 units.

Further down the Digital Tracks chart, 50 Cent debuts at No. 5 with 20,000 paid transactions for "Disco Inferno." The top five chart marks 50 Cent's highest peak position on Hot Digital Tracks, and the total downloads are the biggest one-week sales tally of his online career, 50 Cent's previous high was No. 7 with "P.I.M.P." in August 2003, one month after the premiere of the Digital Tracks chart in Billboard. 50 Cent, with his biggest hit, "In Da Club," already four months past its radio peak at the time of the first digital chart, it never made it past No. 14.

MARIO'S HOLIDAY MOVE: While we were on our holiday hiatus a week ago, young crooner Mario moved to the top of The Billboard Hot 100 and Hot R&B/Hip-Hop Songs charts with "Let Me Love You." The first single from his recent "The Turning Point" is Mario's first No. 1 by Billboard Research (research@billboard.com).

IF THE TUNE FITS: There's a little-known but important category of country Christmas songs that weren't exactly custom-made for holiday play, yet find their way onto seasonal playlists each year while also managing to get a respectable amount of play year-round.

Immediately coming to mind are Dolly Parton's "Hard Candy Christmas," which first appeared on the "Best Little Whorehouse in Texas" soundtrack in 1982, and Merle Haggard's hard scrawny survivorist ballad, "If We Make It Through December," which was the lead single and title track from his non-seasonal album released in March 1974.

More recently, Alabama's "Angels Among Us" (1993) fits this category, and now we add one more song to that short list as Jimmy Wayne's "Paper Angels" gives Hot Country Singles & Tracks its only bullet inside the top 20.

The song's increased airplay, as well as a Dec. 15; performance of "Paper Angels" on the Great American Country network's "Grand Ole Opry Live," helps lift the full-length "Jimmy Wayne" 46-41. With two albums, an area of the chart it hasn't seen since it appeared at No. 37 in the Nov. 6, 2004, issue.

Inspired by his own childhood that was blighted with leanness of Christmases as he and his sister grew up in a series of foster homes, Wayne's single espouses the warmth of charitable giving in the form of the Salvation Army's "Red Kettle" program. "Paper Angels" makes radio chart history with a 20-18 leap, a hike that ties Jeff Foxworthy's No. 18 peak in the Jan. 6, 1996, Billboard with "Fifty Days of Christmas" as the highest-charting seasonal title since we adopted Nielsen Broadcast Data Systems-monitored airplay as the basis of our radio chart rankings in 1990.

Prior to the BDS-era, the aforementioned Parton single was the last holiday track to rise high on Country Singles & Tracks, peaking at No. 8 in the Dec. 25, 1985, issue. Also this week, Foxworthy's song collects a ninth cumulative week atop Hot Country Singles Sales, where it first reached in the Billboard dated Dec. 13, 2003.

YULE BE ILLIN': While R&B/hip-hop stations tend to lag behind other radio formats in adding holiday titles to normal programming, this year's lack of seasonal fare seemed more pronounced than ever.

Without any releases from the format's superstars as last year's "Ashanti's Christmas" or 2001's "8 Days of Christmas" by Destiny's Child, many programmers were left with little current material from which to choose. And for a format that has traditionally shown little desire to mine past Christmas tracks for inclusion among the daily hip-hop fare, it made little sense of the holiday spirit among the musical selections.

The adult R&B format, however, had plenty of new holiday titles available, which is usually the case. Such current tracks as "Have Yourself a Merry Little Christmas" by Dionne Warwick featuring Gladys Knight, "'Twas the Night Before Christmas" by Carla Thomas and the comical "Santa Claus Is a Black Man" by Alvin & The Chipettes new recording of "O Come, O Come Emmanuel," which garnered 356,000 audience impressions and vocals 21-1.

Nelson's song is followed at No. 2 by Bart's "What Would Santa Do?" which increases 271,000 impressions and shoots 23-2. Both tracks are included on Rocketten's multi-artist "Gloria" Christmas release which contains chart titles appearing at No. 30 (Jimmy Owens), No. 31 (Christine Dent) and No. 35 (Wayne Kirkpatrick).

The year-end-earring Christmas title on this chart during the 2003 holiday season was Jim Brickman With Kristy Starling's "Sending You a Little Christmas," which peaked at No. 14.

Additional reporting by Keith Caulfield in Los Angeles.
Inaugural Concerts Continued from page 5

Video Continued from page 5

manufacturing concerns and the backlog of hardware developers also playing a role. “The product that has the best attributes for the consumer is the one that is going to win,” says Pat Fitzgerald, executive VP of sales and distribution at Buena Vista Home Entertainment. “We have backed the one that we think will do that. The CE community is also strongly behind Blu-ray.”

Universal Studios Home Entertainment president Craig Kornblau notes, “We spent a lot of time evaluating the emerging technologies, and we selected the one that is most beneficial to the consumers. With smaller products on the line, we can now manufacture high-def DVDs on the same lines. I think that is a huge benefit.”

SALES HIT NEW HEIGHTS

Debates about next-generation formats aside, sales of standard-definition DVDs “Continued to explode in 2004. By the end of the third quarter, nearly 1 billion DVDs had been shipped, according to the Digital Entertainment Group. Specific sales highs include New Line’s ‘The Lord of the Rings: The Return of the King.’ According to many retailers, it was the top-selling title of the year when it was released in May. New Line did not release exact sales figures, but it did say that it shipped more than 10 million copies of the DVD.”

In November, DreamWorks’ “Striker 2” sold 12.1 million combined units in its first three days of release, according to the company. The most remarkable growth area was TV DVD. Other top categories included documentaries and music titles.

Sanctuary Continued from page 5

global basis. We want to bring in new clients and search for synergistic opportunities across all areas.”

Sanctuary co-founder Rod Smallwood remains president of Sanctuary Artist Services, based in London. Group finance director Mike Miller will also remain in his role.

FULL-CIRCLE STRUCTURE

Sanctuary will continue to focus on what Taylor describes as the 360-degrees model, with involvement in management, label, music publishing and merchandising. Taylor says he will look to strengthen each unit while searching for new areas to develop. “This is a free-standing model,” he says, “and it does not mean we cannot add other components. But one area we don’t want to be in is distribution.”

One area to expand is music publishing, and Sanctuary has been looking at potential acquisitions. However, Taylor says, “Most catalogues are still expensive. I believe prices will come down, and then we’ll look at acquisitions to build our catalog.”

To reflect the new global approach, Mercuriadis has appointed a series of top executives. This includes the elevation of Aly Naeem from CEO of Sanctuary Artist Services (excluding North America) to CEO of Sanctuary Artist Services worldwide and that of Joe Gobell from CEO of Sanctuary Records Group (excluding North America) to CEO of Sanctuary Recorded Music worldwide.

Both executives are U.K.-based and report to Mercuriadis, who has also rejuvenated U.S. operations. A strength of Sanctuary, Mercuriadis says, its ability to attract artists in all genres. He points to a summer tour for British rocker Morrissey, whose album “You Are the Quay” has shipped more than 1.5 million copies worldwide. New albums from Lou Reed, Robert Plant and Billy Idol are expected for 2005.

Mercuriadis says he will utilize Sanctuary’s artist management, merchandising, publishing and recording business to build up new distribution partners. “At the core, Sanctuary is all about the artists we are in business with,” he says. “And Sanctuary is about partners with artists, managers and labels. We deal with artists who are passionate about what they do, with a strong attitude and who have some things to say that makes a difference.”

“We are looking for artists who feel disenfranchised in the old system. As long as majors will continue to make mistakes on these acts, we’ll be there.”

Another area of development is promotion. He views Sanctuary’s arrangement with Mathew Knowles, who is now in charge of the company’s urban management division, as a template for future development. With clients Nelly, Beyoncé, Destiny’s Child, Eve, Angie Stone and Jadakiss, Sanctuary has become the “premier management company in the urban world,” he says. Mercuriadis has similar inroads with other genres, such as country. “It all has to start with a great artist,” he says. “If there is a Willie Nelson available, we’ll look at it. I want Sanctuary to be the company that all great artists want to be with.”
The big-selling titles varied among the chains, but those most consistently cited by merchants were U2’s “How to Dismantle an Atomic Bomb,” U2’s “Vertigo,” and Daft Punk’s “Discovery.”


The Green Day album may not have been the biggest seller of the holiday, but it came out of nowhere to catch fire in the last two weeks.

“Green Day actually broke out,” Ameba’s Caruso says. “It was a good seller for about a week or two before it just went off the charts.”

In fact, some merchants report that Warner Bros., Records and EWA had a little trouble keeping “American Idiot,” as well as Eric Clapton’s “Crossroads” in stock. Others report that “With the Lights Out” suffered some outages, and most independent stores and chains complained about the unavailability of “A John Waters Christmas” for almost a week during the selling season.

“With the release of ‘American Idiot’ on Dec. 27, and that’s the 2005 holiday season, music phones are a major handset vendor’s calling card. Nokia, which had five DRM-related standards in development, as does Microsoft. Rundstrom said device vendors will look to their wireless carrier partners to resolve any issues. “It’s inevitable that these kinds of hard drives will be on mobile devices in one way or another,” Rundstrom says. “There’s an expected technology trend for the next year.”

Other advances include stereo 3D functionality built into their network. More than 20 million high-end music players are produced each year, and manufacturers are looking to differentiate their products. “A device that doesn’t allow users to convert their personal music library to a DRM-free format will take a hit,” says Mark Donovon, VP of products and senior analyst for research firm 451 Group. Donovon says the potential to be the same type of driver for the 2005 holiday season.

“Ces was a strong feeling that as music becomes a standard feature, music-optimized mobile phones will begin eating away at the market share for low-end digital music players,” he says. "You’ll see the same thing here."
These approaches include deals structured by major labels with indie labels, production companies and individually.

Melise cites Warner Music Group’s new division, which encompasses what are commonly known as “incubator” labels, as an operation that typifies new-generation dealmaking (Billboard, Sept. 13, 2004).

THE INCUBATOR DEAL

Under such a system, the major creates the incubator label, which typically invests a certain sum of money in one or more artists, while the major provides marketed and promotion support for them. The artists can develop an audience and then be signed by the major.

In such a division, the artists can develop an audience and then be signed by the major. The incubator label can then be closed or the artists can be signed to the major label. The major label can then provide marketing and promotion support for the artists.

Pop Records and Reverb pictures to Diane Warren, Carole King and Anne Marn, Solarian says she has handled “a ton of these deals over the past year.”

Major record promotions, major labels pay royalties to the producer, normally at a rate slightly higher than an artist’s rate, to develop an artist and release a record through the major. The major deals run the gamut. Sometimes the producers even go directly to a distributor rather than through a label, Solarian says.

The labels, she says, count on producers with track records as efficient means of developing new artists. “There’s a ton of expertise at major labels because they’re not afraid to have too much imagination,” she says.

Some entrepreneurial artists, DJs, executives, managers and others are opting to develop and market music on their own before reaching for a label deal.

Sales

Continued from page 60

Jose Manuel Barroso and competition commissioner Neelie Kroes. “Everybody wants to be selected people. It’s a matter of who can help us most. And whoever can help us the most will be attending,” Cécillon explains.

The EMU’s mandated services and financial arrangements which were envisaged under the Maastricht treaty have proven to be less beneficial than expected.

IFPI

Continued from page 6

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Sales

Continued from page 60

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Business

Continued from page 5

Joseph C. (Joe) Lander, Senior Vice President/Finance at Columbia, said: “Perhaps our main revenue is from licensing, perhaps more narrow than we had thought.”

More lucrative deals may follow.

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LOS ANGELES—Above David Renzer’s desk is a large, vintage black-and-white photograph of an elegant sailboat, sails full of wind, with the craft seemingly surging forward.

It is an appropriate image for Renzer’s career at Universal Music Publishing Group, where he was recently promoted to chairman/CEO (Billboard, Dec. 11, 2004). During his eight years with the company, UMPG’s library has soared from 250,000 copyrights to 1.25 million, in part through the acquisition of more than 70 catalogs. In the last two years alone, UMPG has also signed deals with Mariah Carey, Paul Simon, Gloria and Emilio Estefan Jr. and Prince. He oversees a staff of 350 in 47 offices worldwide.

Like all publishers, UMPG’s revenue streams are shifting. Mechanical revenue accounted for 60% of the company’s income in 1998; now that figure is 52%, Renzer says. During the same period, performance income has risen from 21% to 25%, and synchronization revenue has climbed from 10% to more than 14%. Ringtone revenue grew 130% from fiscal 2003 to fiscal 2004.

Renzer is active in the music and charitable community. Elected to the board of the City of Hope in 2001, he founded the Songs of Hope Celebrity Sheet Music Auction to benefit the cancer research center the same year. He is also on the boards of ASCAP and the National Music Publishers’ Assn.

“David’s passion for the well-being of the music creator is demonstrated at each meeting of the ASCAP board of directors,” says Marilyn Bergman, president/chairman of ASCAP. “I’ve had many opportunities to observe David on those occasions and admire his ability to transform complex business challenges into clear decisions and concrete action. It’s no wonder that he seems to get promoted every time I turn around.”

During an interview in UMPG’s West Los Angeles offices, Renzer was, understandably, reveling in the 16 Grammy Award nominations the company’s writers received. What’s more, two UMPG acts—U2 and the newly signed Ludacris—had just hit No. 1 on The Billboard 200.

Q: In the time that you’ve been with Universal, the company has acquired more than 70 catalogs. Are there many catalogs left to buy?

A: Certainly not a lot of large catalogs. Most of the independents have been bought up. But you also have a situation where we might acquire the 50% of the publishing of a writer that we’re already in business with.

I’d say acquisitions are part of our business model, and the exciting thing for us is that UMPG parent company Vivendi seems to be a big believer in music publishing. In fact, their CFO was quoted in the Financial Times as saying music publishing is one of the areas where there may be some potential growth via acquisition. So it’s exciting to me to have that kind of corporate support.

Q: If you had an open checkbook and could buy any catalog, you don’t own already, what would be on your wish list?

A: [He laughs] That’s a loaded question. BMG, Sony/ATV, Famous.

Q: What about individual writers?

A: Stevie Wonder is an idol of mine and part of his catalog is owned by Motown. But he also publishes a lot of his catalog. If I could be involved in Stevie Wonder’s music in any way, I would be thrilled.

Q: Warner/Chappell and Warner Music Group have inked a short-term agreement on master ringtones and ringbacks. Are you discussing such a deal with Universal Music Group?

A: We’re close to finalizing a deal. I know there are discussions that are very far along with some of the other majors as well that are potentially going to resolve master licensing, as well as some of these other areas like DualDisc and video exploitation. So I’m very hopeful, because I like to view us as partners and I never want publishers to be in the position where we are looked at as holding up the launch of a new technology or service in any way.

Q: How would you respond to charges that publishers have dragged their feet on digital downloading agreements?

A: I don’t know if we have been dragging our feet. In the U.S., we’ve licensed over 80 different companies for ringtone deals. And internationally, we’re certainly licensing all kinds of deals. Mastertones became an issue because the recording industry took the position that there should just be a statutory rate, etc., and publishers don’t agree with that position. It’s tough to justify to a songwriter that you’re getting the greater of 10 cents or 10% for a ringtone, so why should we only be getting 10 cents flat for a mastertone when they’re being sold to the consumer for more?

But it’s true that there are also a host of unresolved issues globally in a variety of formats. In Europe, we’ve been operating without a deal for a mechanical rate for several years.

Q: How do you deal with that situation?

A: We just continue, basically, doing business on the old rate. And I think what everyone has agreed to do, while hopefully the new leadership at [the International Federation of the Phonographic Industry] and BIEM work it out.

Q: As record sales have decreased, many publishers are looking at other income streams. How important is synchronization for you?

A: We’ve experienced double-digit growth in synchronization income, but I think that’s an area that has some challenges. With the growth, we’re still able to pull in nice synchronization fees. But generally advertising agencies are being more price sensitive, and there’s a bit of a mind-set about all this promotional value that they are lending and that’s worth a lot to the acts, so therefore, pricing should come down.

So I think it’s going to work harder. We’re having to place more commercials and license more of our material sometimes at a lower price point to keep our revenues growing.

Q: Do you think the statutory rate of 8.5 cents on mechanicals is fair?

A: The current deal expires in about two years. Our hope is that before that time, we’ll be able to start negotiating a new deal—and I believe that’s one of the things that CAPM is going to allow our industry to do.

I think that the last deal everyone is feeling OK about in hindsight, and I think we’ll have to sort of stay tuned and remain hopeful. [However,] the action that was taken in Germany is an attempt by the labels to dramatically cut the mechanical royalty rate, and we’ve already heard arguments about similar thinking domestically. So it probably won’t be an easy negotiation.

Q: Rap and R&B are the most popular forms of music at the moment. Do you see today’s hottest hitmakers building catalogs that you’re still going to be pushing 20 or 30 years from now like you are the catalogs of Roy Orbison or Paul Simon?

A: One of the interesting things about hip-hop is that it’s how my kids learn about old songs. Part of what hip-hop is doing through sampling and borrowing and using other songs as a hop or background is revitalizing some old catalog.

The shift that happened [was] music wasn’t all about melody anymore—a lot of it is about beats and attitude. I don’t have the crystal ball of what it’s going to be 20 years from now. Hip-hop is really a powerful force. It’s a certain defining a generation of music lovers. But it’s very different from listening to a Paul Simon classic. I hope I’m around in 20 years to find out.
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