Setting Mimi Free

Marah 'Digs Deep' On Upcoming Album

BY MICHAEL PAOLETTA

NEW YORK—On this severely cold March night, Marah Carey is inside a studio at MTV taping an interview for an upcoming broadcast. Walking out of the studio, she is heard muttering to no one in particular, "The abuse I endure is never-ending."

Minutes later, ensconced in one of the cable network’s many conference rooms, Carey smiles and laughs. "I’m a little dramatic at times," she says, referring to the "abuse" comment. "I know, I know, it’s tough to believe. But it’s true."

Sure, the multimillion-selling, two-time Grammy Award winner has experienced great highs and lows.

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QUOTE OF THE WEEK

“I don’t do price matching. When the big boxes do, they do service matching or selection matching, maybe [indie] stores will have to consider it.”

WATERLOG RECORDS PRESIDENT JOHN KUNZ ON BIG-BOX PRICING

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KYLIE MINOGUE

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BREAKING INTO THE BIG SCREEN

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Entertainment Biz Preps For Day In Court

Ruling Will Affect Future Of P2P Technology; More Than 200 ‘Friends’ Weigh In

BY SUSAN BUTLER

NEW YORK—Three men will stand before the U.S. Supreme Court March 29, arguing one of the most important copyright cases in history.

One will speak for most of the entertainment industry. The second will argue for two companies that provide peer-to-peer file-sharing software, and the third will represent the U.S. government.

Experts agree that the court’s written opinion in case No. 04-480 will have a profound impact on federal legislation, business models, law enforcement and the financial resources of industries that have provided an estimated 6% of the country’s gross domestic product. Its legal and practical effect will touch the entertainment, technology and copyright industries—and nearly everyone who earns a living in those sectors.

The issue before the Supreme Court is whether two companies that operated, and continue to operate, “decentralized” P2P file-sharing networks should be liable for the copyright-infringing activities of their users, who have shared more than 8 million unauthorized music and movie files (see story, this page). While the technology is capable of lawful use—sharing files of public domain works and copyright-restricted works provided with the owners’ permission—the evidence suggests that more than 90% of the copyrighted works on these networks were not authorized to be shared.

The case landed in the Supreme Court after the Ninth Circuit Court of Appeals in Pasadena, Calif., held last August that Grokster and StreamCast Networks, as operators of certain versions of Grokster and Morpheus, respectively, were not secondarily liable for the users’ infringing activities.

The case is still pending as to other versions of the software and against other parties in the U.S. District Court in Los Angeles.

As the day for oral arguments draws near for Metro-Goldwyn-Mayer Studios Inc., et al. v. Grokster Ltd., et al., many interested parties and observers around the world are discussing the case. The focus in Washington, D.C., however, is on the positions of the parties to the lawsuit and the more than 200 amici (friends of the court) as revealed in their briefs filed with the court.

Donald Verrill Jr., a partner with Jenner & Block in Washington, D.C., will be arguing for the “petitioners”—the entertainment industry parties.

Their briefs primarily raise three legal points, focusing on the activities of Grokster and StreamCast Networks, rather than on the P2P technology, Grokster and Morpheus.

The petitioners say copyright law imposes secondary liability on “gatekeepers”—or intermediaries—that facilitate infringement.

They argue that under this legal theory, any company operating a service “principally” for infringing activities—even if the technology (Continued on page 69)

Sony Betamax Precedent Will Be Put To Test


That was when 38 motion picture studios, record labels and music publishers, plus a certified class of 27,000 songwriters and publishers, sued Grokster Ltd. (which operates the Grokster network), StreamCast Networks (which operates the Morpheus network) and others in the U.S. District Court in Los Angeles.

The entertainment industry parties claim that the peer-to-peer companies are secondarily liable for copyright infringements by unlawfully contributing to—and failing to prevent—users from infringing copyrighted movies and music through the file-sharing networks.

After the parties gathered evidence, but before a full trial, the two P2P companies filed a motion regarding one aspect of the case, asking the court for a summary judgment finding them not liable for providing certain versions of their software to users.

The court held in favor of the P2P companies, shielding them from liability. The Ninth Circuit Court of Appeals affirmed the decision last August, interpreting law from the 1984 Supreme Court decision in Sony Corp. v. Universal City Studios Inc.—the so-called Sony Betamax case.

By a 5-4 vote, the court in that case created a two-prong rule that has guided innovators for 20 years. First, if a product is “capable of substantial or commercially significant non-infringing uses,” the manufacturer and seller will be liable for secondary copyright infringement only if they knew of specific infringing activities and failed to act on that knowledge to prevent infringement.

Second, if the product is not capable of substantial or commercially significant non-infringing uses, then the manufacturer and seller will be liable if the evidence shows that they should have known of the infringement.

The court held that Sony’s Betamax videotape recorder was capable of commercially significant non-infringing uses—it could be used to lawfully record programs to watch at another time. Therefore, Sony was not liable for selling the recorder, even though the company had the general knowledge that some people might use it to infringe Universal’s copyrights.

In the Grokster case, the Court of Appeals held that certain “decentralized” versions of Grokster and Morpheus were capable of substantial non-infringing uses, even if legitimate use accounted for only 10% or less of the actual use. Since the P2P companies did not know about specific infringing files at a time when they could exercise control over the networks, they could not be secondarily liable for the infringements.

After receiving petitions from the entertainment industry and other parties concerned that a wrong or confusing legal standard was applied to the case, the Supreme Court agreed to review the decision (Billboard, Dec. 25, 2004).

The lawsuit also involves other versions of the software and other parties. Those issues are still pending in the District Court.

SUSAN BUTLER
Global, U.S. Music Markets Show Improvement in 2004

IFPI: Declines Are Slowing

BY EMMANUEL LEGRAND

LONDON—After four years of decline, the global music market is showing signs of stabilization. The International Federation of the Phonographic Industry revealed March 22 that world shipments of physical formats in 2004 reached $33.6 billion, a decline of 1.3% from 2003. Volume was down just 0.4% to 2.75 billion units.

“2004 was a pretty good year for the industry, because the continuous drop we experienced in recent years almost stopped,” Universal Music International chairman/CEO Jorgen Larsen says. “For 2005, we don’t expect to see an uprising, but we anticipate that in most places we’ll see a stable market, with some slight upper curves in a few places.”

The IFPI notes that strong 2004 performances in the United States (see story, this page) and the United Kingdom, as well as a slowdown in the rate of decline in several other markets, particularly Germany, helped secure “the best year-on-year trend in global music sales for five years.”

“We could see the trend shaping up last year,” IFPI chairman/CEO John Kennedy says. “This is what we were hoping for. It’s a shame we still have to report any fall at all in physical sales, and we would be very satisfied if it could signal the end of the [downward] trend. On the positive side, we are full of enthusiasm for the future of digital sales. We will offer some growth to the industry.”

Based on the recent improvements, he foresees “a year of stability with a flat market” for 2005.

The IFPI data, collected from the organization’s national members, are based on shipments to retail.

(Continued on page 68)

Jorge Pinos Goes Solo

Longtime William Morris Executive Opens Booking, Management Company

BY LEILA COBO

Jorge Pinos, one of Latin music’s most respected agents, launches JEP with a solid roster of clients, including Mexican icon Juan Gabriel and pop/Tejano artist Jennifer Peña, a constant on the touring circuit.

Other acts include singer/actor Jaime Camil, who will play Ernesto in the upcoming Broadway production of “The Mambo Kings,” alongside Esai Morales.

“Obviously, large agencies are good, and they’re powerful,” Pinos tells Billboard. “But I’ve always contended that the person who is personally involved in an artist’s career is the person who makes a difference in that career.”

Pinos, who made a career at William Morris by starting in the fabled mailroom and ascending to senior VP, is credited with taking a host of Latin acts into mainstream consciousness. His client list has included many top Latin artists, among them Julio Iglesias, Gloria Estefan, Selena, Shakira, Arturo Sandoval, and Latin acts have included the Bee Gees, Paul Anka and Crosby, Stills & Nash.

Pinos worked acts only in the United States and Latin America, but in Asia, Europe and the Middle East.

“I was a pioneer in getting Latino artists to work in mainstream venues in the United States,” says Pinos, who in 2000 was honored with the Life-time Achievement Award at the Billboard Latin Music Awards. “I think I changed the industry then, and I believe I can give it a better turn for my clients.”

Pinos says that a major impetus to starting his own business was what he perceives as a lack of good representation in Latin artists.

“There are no management companies in our business that are run by Latinos but with an American management style,” Pinos says. “There are good agents, but there is a void in Latin representation, and this is a good moment.”

Label executives have long complained about lack of proper management in the Latin music realm. This same concern prompted last year’s creation of AA Music Management, a Los Angeles-based joint venture between Irving Azoff and Alejandro Roncero, whose client list includes Luis Miguel.

(Continued on page 53)

Mexican officials seized more than 1 million illegal CDs at a raid in the Juan de Dios market in Guadalajara, Mexico, in February.
Chicago Jury Likes Jam
Promoter Awarded $90 Million In Suit Vs. Clear Channel
BY RAY WADDELL
In the second legal decision in a week that did not go Clear Channel Entertainment’s way (see Scher story, this page), a Chicago jury awarded $90 million to Jam Productions March 21 in its breach of contract suit against CCE and the American Motorcycle Assn.

“This is a victory for the good guys and all of us who have to compete every day with Clear Channel,” says Jeff Singer, lead attorney for Jam. “Every lawsuit has its fights, and this was a particularly challenging case because there were so many thousands and thousands of documents we had to read and understand, plus complicated antitrust issues.”

SUPERCROSS DOUBLE-CROSS
The focus of the case was promotional rights for supercross events (Billboard, June 19, 2004). Jam alleged that CCE unfairly used its clout in the marketplace to shut out JamSports from producing supercross events.

JamSports (which counts Tom Petty manager Tony Dimitriadis among its principals) filed the suit in April 2002 in the Northern District Court of Illinois. The trial began Feb. 7.

At issue was a long-term contract to produce AMA supercross events, which for years were handled by CCE’s motorsports division. The AMA had signed a letter of intent with JamSports in late 2001 for a long-term deal, but supercross ended up back with CCE.

Lawyers for Jam claimed that CCE used its leverage as the world’s largest live entertainment producer to intimidate venue managers, threatening that they would lose CCE events if they went with JamSports on supercross.

Singer says CCE e-mails obtained during discovery were “really what made the case.” He cites one from motorsports pioneer Allen Becker, father of CCE chairman Brian Becker, that talked of CCE’s policy to “kill, crush and destroy” its competition. “Brian essentially said that was good” (Continued on page 68)

Scher Free To Promote Again
BY RAY WADDELL
Veteran entertainment entrepreneur John Scher, co-CEO of Metropolitan Talent, is free to promote concerts again. New Jersey District Judge Dickinson Debevoise has ruled that Scher’s non-compete clause with Clear Channel Entertainment has run its course.

“Both performing artists and the general public would benefit from the competition that would develop if Scher were to re-enter the promotion field,” the judge wrote in his order March 16.

The non-competition agreement was issued in July 2003 and expired March 15. CCE had sought to keep the non-compete in effect, saying Scher had violated the agreement in his role at Metropolitan Talent. The ruling stems from an ongoing lawsuit in federal court in Newark, N.J.

Scher founded Metropolitan Entertainment and continued to run the operation after Covanta acquired 50% of it in 1999. Scher left Metropolitan Entertainment in 2001 and formed Metropolitan Talent, a multifaceted entertainment company, with former A&M chairman/CEO Al Caffaro.

Covanta sold Metropolitan Entertainment to Mitch Slater in 2002. CCE inherited Scher’s non-compete agreement when it purchased Metropolitan Entertainment from Slater (Billboard, March 29, 2003).

Scher says the concert business he will re-enter is not the same as the one (Continued on page 67)

Billboard Extends Mobile To Japan
Billboard is taking its brand-new Billboard Mobile service to Japan, offering wireless subscribers in that country access to music industry news, charts, reviews and downloads.

The magazine has partnered with Hanshin Contents Link to bring the exclusive music service to the Japanese market. Users will be able to buy ringtones, and eventually full music downloads, through an interface with Billboard’s European, U.K., Japanese and U.S. charts.

“The Japanese music consumer has already adopted mobile delivery as a preferred way to listen to their favorite tunes and as a statement of their personality,” says John Kilcullen, publisher/president of Billboard. “While more than 2 billion polyphonic ringtones were downloaded in Japan this year, and over 200 million master ringtones have been sold since 2005, the Billboard charts—the global standard of success—will help mobile users better navigate, make purchases based on chart position and let them explore new music.”

Billboard and Hanshin will market the service to music fans via e-mail and mobile campaigns, as well as advertising in music stores and prominent positioning on the Web site of NTT DoCoMo, Japan’s dominant wireless operator. The campaign also will feature alternative marketing at music clubs and concerts, as well as more traditional marketing through the Hanshin Tigers baseball team.

Billboard recently announced its Billboard Mobile service with wireless content publisher mForma (Billboard, March 26). Hanshin is a diversified media and industrial giant operating at least 70 different enterprises.

Vets Bow Multifaceted Firm 3
BY JONATHAN COHEN
Manager/label executive Michael Rosenblatt and producers Tony Berg and Eric Valentine are making artist development and touring the top priority of their new full-service music company, J Entertainment.

The Los Angeles-based business will encompass a label and management, and merchandising arms, and has just established a publishing company with Warner/Chappell. Albums will be distributed by Sony’s Red Distribution, and the deal allows for upstreaming through Columbia.

This isn’t necessarily a reaction against the current state of affairs, but rather an emulation of the models we collectively admire, whether it’s David Geffen or Chris Blackwell,” says Berg, a veteran of Geffen, Virgin and Artist Direct. “Those guys saw the value in an extended relationship with an artist that went beyond the mere making of the record. That’s an exciting prospect, because it signifies, one hopes, a career-long relationship.”

The company says it will look to sign acts to flexible, mid-five-figure deals, which, according to Berg, will provide “a healthy advance” and “a nominal figure” to cover basic studio expenses. The production services of Valentine and Berg are thus “essentially gratis” for label acts.

Berg has produced such acts as Squeeze, X and Aimee Mann, while Valentine has worked with Queens of the Stone Age and Good Charlotte.

The company’s first signing is Los Angeles-based artist Mr. Sandwiches, who is in preproduction with Berg for an album that Valentine will produce.

Rosenblatt, a former Sire A&R executive who signed Madonna, says the company is in serious negotiations with two other acts and is looking for “a young, aggressive manager that will look to myself and Tony for guidance in dealing with the bigger-picture situations.”

“When we’re looking to manage a band, that does not necessarily mean we’re going to sign them,” he adds.

“But we are looking to grow that part (Continued on page 68)
**Euro Tour Biz Unifies**

**New Trade Group To Represent Interests Of The Live Music Community**

BRANDLE AND JULIANA KORANTENG

LONDON—For the first time, Europe’s live music community will speak with a clear, unified voice.

The sector’s leaders have established a trade body, the European Live Music Forum, as a platform for lobbying European Union institutions and national governments and as a means for exchanging ideas among members.

The ELMF formed in January with an announcement during the annual Eurosonic/Noorderslag Festival in Groningen, the Netherlands. Its 16 founding members then assembled during the March 11-13 International Live Music Conference in London to hammer out the organization’s structure and constitution. The ELMF board elected veteran U.K. artist manager Peter Jenner as its inaugural chairman.

Among the body’s primary goals are to encourage continuous dialogue with European legislators and to push for the dissolution of “formal and informal” barriers that restrict the free European market for touring acts.

“Ultimately, we want European acts to be able to work anywhere in Europe, like American acts do in the United States,” Jenner tells Billboard.

Jenner, who has numerous hats. Earlier this year, he was re-elected as secretary general of the International Music Managers Forum, a role he says brings a degree of overlap with his ELMF chairmanship.

He also helms London-based Sin- cere Management, whose clients include singer/songwriter Billy Bragg and jazz vocalist Sarah Jane Morris. During his career, Jenner has managed Pink Floyd, the Clash and Disposable Heroes of Hiphopry, among others.

Joining him on the ELMF executive board is vice chairman Hans Hjorth, who is managing director of Sweden’s Falun Folkmusik Festival, and secretary Christof Huber, GM of Switzerland’s Incognito Productions.

The chairman’s tenure is two years; board members are elected on a one-year basis. The body’s secretariat will be based in Switzerland.

“The problems of the live-music industry are not very well-recognized by local governments, or especially in Brussels at the European level,” says Peter Sinfield, project manager at Dutch music foundation Conrants and a founding director of ELMF. “What we have to do is unite and address these issues together to the various bodies in order to better facilitate this business. That’s the plan.”

The industry’s response to ELMF has been mostly positive. Barry Clayman, senior VP of U.K. music for Clear Channel Entertainment, says, “It think it’s a very good idea.”

Elliot, the chairman, is a member of the Concert Promotions Assn., and we support anything that can help our business.”

The Concert Promotions Assn. has signed on as an ELMF member, he charts, as one of a number of directors at Wembley Arena and chairman of the United Kingdom’s National Arena Assn., adds, “We think it’s very important that there are venues represented within the ELMF. Poorly thought-through legislation is impacting all aspects of live music, and we support the forum’s aims for lobbying at the EU level.”

The ELMF has 16 members, including the IMMF, the National Arena Assn., (Continued on page 67)
What Is Maverick Accomplishing With Starbucks Deal?

Exclusively Wrong!

The following is an open letter to Maverick Records CEO Guy Oseary from Terry Currier, owner of Music Millennium in Portland, Ore.

The March 12 issue of Billboard alerted me that once again the short-sightedness of the record-music industry is in full force. According to a cover story in that issue, Maverick is issuing an acoustic remake of Alanis Morissette’s “Jagged Little Pill,” which initially was sold only at Starbucks’ 4,500 North American outlets. To give you any account in the country an academic window to sell an album before its competitors is wrong.

Your statement was important to me because people could get it anywhere. I think regular retail understanding that this was a one-off with Starbucks was not a well-thought-out remark. I am a “regular” retailer, and the feeling that the angriest 180 degrees away from that. Talking to other retailers during the past few weeks, I can say that most feel the way I do.

Introspect tried this same idea a couple years ago with U2 and Best Buy. What did it accomplish? It drove a great deal of America’s customers away from their regular record stores to Best Buy. It pissed off a lot of retailers, including us. It made it inconvenient for our customers, and at the same time, some stores permanently lost customers.

“Sorry, I know we’re supposed to be the cutting-edge retail store with the cool stuff, but we can’t sell you the Alanis CD for six more weeks” is not a good enough answer for our customers.

Believe me, they will be aware that the CD is out—yes I’m sure myself secured an appropriate marketing plan from Starbuck’s in exchange for the exclusive six-week sales window.

Maybe you don’t care about the fate of our stores. Maybe the fate of the entire industry doesn’t even matter to you. Maybe all that matters is that you can make some quick money on this project and generate some extra publicity that will sure to buy in their stores once Starbucks’ exclusive six-week window is up. Maverick is giving up revenue to try to make a point, but he comes off merely looking like a sore loser on the school playground.

I worked at two Nashville record labels for four years, and numerous times we had exclusive deals with various retail chains. Their competitors were often unhappy about this of course—but not because we were doing exclusive trades. They were unhappy because we weren’t doing the exclusive with them!

Instead of whining about missing out this time around, Kaminer and Trans World (and all the other unhappy retailers out there) should start strategizing fresh, creative ways that they can partner with labels and artists to get their own exclusives. It’s the 21st century. Terry: It’s time to stop clinging to the past and face up to the fact that you are getting beat at your own game by the “coffee shop” that you so condescendingly disdained.

Michael TenBrink
Nashville

Unhappy Retailers Need Fresh Strategy

I read in Billboard the catty comments by Trans World Entertainment divisional merchandising manager Jerry Kamber about Maverick’s decision to offer the new Alanis Morissette acoustic record exclusively through Starbucks for the first six weeks. While I understand that any retailer (other than Starbucks) would be unhappy with Maverick’s decision, it is petty and I hope Kaminer to pull the original “Jagged Little Pill” in addition to not stock the new edition. This appears to give no thought to what his customers may wish to

Letters

Unhappy Retailers Need Fresh Strategy

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Michael TenBrink
Nashville
WHAT MEN WANT

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A&R reps circling 'round were the Go! Team (England) People in Planes (the British band was going straight from SXSW to New York for meetings with labels), Boy (Canada), the Grates (Australia) and Maximo Park (England).

The following is a list of my favorite acts at SXSW. A caveat for inclusion is that it was the first time I had seen any of these acts live.

1) Kings of Convenience (Astralwerks). Even though this Norwegian duo already has two albums out, the pair had not been on my radar. What a wonderful discovery. Erlend Oye and Eirik Glambek Bøe delivered breathtakingly beautiful, heartwrenching songs juxtaposed against often upbeat melodies: Think Nick Drake meets Antonio Carlos Jobim. Singing sweetly together while they nimbly played their guitars, they had the spillover crowd enthralled.

2) Troubled Hubble (Lookout). Through dumb luck, I ventured into the club when their Weezer-Green Day-like pop lured me in. It was a fantastic, energetic live show without a trace of arrogance, and it brought down the house. They have the kind of stage charm that only comes with often playing live and loving what they do. I absolutely loved them.

3) Earhart (Palm Pictures). The songs have the delicacy and vulnerability of Elliott Smith (for whom the Los Angeles band has professed its love), but are laced with strong pop sensibilities. The musical influences draw a straight line back through the various Southern California sounds from Smith to X to the Byrds. Bad name, great band.

(Continued on page 12)
Deadman

Continued from page 11

an effort to get away from being from the Nickelback camp. We're not from any camp.

To set up "Casoline," TOAD began a six-week U.S. tour with Shinedown in mid-January. Another tour with Breakin' Benjamin started March 1 and runs until late April. With each date, Roadrunner's street team is providing point of purchase material to local retailers as well as fliers and posters to venues. Show attendees receive a two-song sampler featuring first single "No Surprise" and "Hatting Hollywood."

Roadrunner senior director of marketing Bob Johnsen says, "It's paramount to first educate those fans plunking down money for these shows. Most already invested in the band with the first tour. Overall, we're targeting the 18- to 34-year-old rock audience."

"We're jazzed about this record," says Mike Davis, executive VP at Universal Music & Video Distribution, which handles Roadrunner releases. "We also love the price point. It's at $8 wholesale and $12.98 list."

"No Surprise" has quickly taken off at active rock radio in the United States. The single is No. 16 on the billboard Radio Monitor Active Rock Tracks chart. "We are now starting to get strong phones," reports Dave Lonczo, senior VP of promotion at Roadrunner. "Now we have to impact at modern rock on the release date of the album. We already have a lot of modern rock stations playing it."

Pat Martin, PD of active rock KRXX Sacramento, Calif., says his station is "getting really good phones with 'No Surprise.' " But he cautions, "It sounds like Nickelback to me and to our listeners."

In Canada, the track is No. 4 on Nielsen Broadcast Data Systems' rock chart.

To boost the release, Roadrunner will kick off an extensive U.S. radio promotion campaign on the album's release date. "We'll hook spots on stations supporting the record," Johnsen says. "We want to hit people where they are finding out about the band."

Further exposure will come with audio commercials running in a number of movie theater chains and online placement of the song’s video with Real Player, AOL, iTunes, mpx.com and rollingstone.com. (MTV2 and Fuse have already been targeted.)

The album will receive additional exposure through the inclusion of the track "No Way Out" on Sony PlayStation's "MLB 2006″ game.

"We're not trying to convince industry tastemakers about this band upfront," Johnsen says. "We expect that our first week of album sales will be notable enough that the tastemakers—MTV, Fuse and modern rock programmers, as well as high-profile journalists—will then be convinced about them."

TOAD is managed by Bill McCarthy and Elizabeth Hahn at In De Goot Entertainment. The band is booked by the Agency Group.

The Beat

Continued from page 11

4) The Go! Team (unsigned). One of the hottest bands at SXSW that had A&R reps virtually circling the stage. The co-ed group from Brighton and London delivered fun, catchy songs that are sure to keep the kids hopping all night long, but have massive mainstream appeal as well. Lead singer/rapper Ninja is a star who worked the crowd like a seasoned pro.

5) Los Super Seven (Telarac). A Tejano/Tex-Mex/rock/country supergroup that compromises some of simply the finest musician/singers you'll ever see, including Joe Ely, Rick Trevino, Ruben Ramos and the members of Calexico. Their album is without a note wasted and a beautiful revolving array of lead vocalists. This is how it's done, folks.

6) Tom McRae. The Irishman hits the road with Tori Amos in Europe this summer, following the May 2 release in Europe of "All Ments Welcome" on Sony BMG. But after stints on Arista and Interscope, a stateside deal eludes him, and we don't understand why. Accompanied by only a guitar and cello, his strong songcraft and superior vocals showed that such talent is best served plain.

7) Magnolia Electric Co. (Secret Canadian). Led by Jason Molina, this Indiana group tied in the Band, Neil Young and Lynyrd Skynyrd, and we say, "God bless them." Probably better in concert than on record simply because the band's live dynamic is so energetic and accomplished.

8) Kyle Riabko (Aware-Columbia). Kid guitarist whose talent far exceeds his years and whose stage presence surpasses his talent. In other words, watch out for this 17-year-old who looks like he should be on one of the WB's teen dramas, but plays guitar like a dream, has a soulful voice to match and charisma to burn. And you can tell he's just going to keep getting better.

9) Long-View (Columbia). Jangly four-piece whose album just came out stateside. This Manchester, England, group may need to be a slow build via MTV2 and other outlets, but its music is instantly accessible with a rough edge that keeps it from crossing into the generic.

10) Rachel Fuller (Universal). Signed directly to the label by Universal Music Group head Doug Morris, her underrated album "Cigarettes and Housework" came out last summer in the States and is worth rediscovering. Seated behind a grand piano, Fuller delivered a set of strong story songs in a style that recalls a cross between Nellie McKay and Tori Amos, but are all her own.

TIDBITS: Jess Stone has joined the Sanctuary Management roster. She will be handled by former S-Curve execs Marty Maidenberg and Amy Touma, who are now at Sanctuary.

Also chips in will be Nickelback to me at Coda or Irving Plaza featuring Cyndi Lauper, Nellie McKay, Steve Forbert, Sandra Bernhard and others. Also, an eBay auction of autographed memorabilia will start May 15.

Money raised from the events will help her family pay off medical expenses, which exceed $150,000. People can send tax-deductible donations or items for the auction to Friends of Therese, c/o So What Management, 264 W. 91 St., New York, N.Y. 10024.
Apple Lawsuit Is Wake-Up Call On Trade Secrets

As the music industry draws closer to a purely digital world that will rely on technology to generate and collect revenue, it is not too early for business executives to begin educating their employees about trade secrets and exploring ways to refine confidentiality agreements.

Two years ago when Apple Computer was just entering the online music scene, the company invited a number of indie labels to its headquarters in Cupertino, Calif., to learn about iTunes and the "confidential deal" it was offering for online distribution.

Less than 24 hours after the gathering, a lawyer with one of iTunes' competitors already knew how much money Apple was offering the indie for each download, and began adjusting his negotiating strategy.

As most music lawyers know, the word "confidential" in the music business is almost laughable. Most people working in the relatively small music industry simply "don't get" why anything in this business should be held so closely to the vest.

The tech industry, on the other hand, has historically taken very seriously the protection of its private information.

Perhaps one reason is that the companies deal extensively with patents and trade secrets—two forms of intellectual property involved with software, hardware, business plans or marketing strategies—that are often targets of international criminals. In the voraciously competitive field of technology where unscrupulous technophiles seizing ideas can seriously damage a company's bottom line, tech companies are rarely hesitant to dispatch their lawyers on anyone who shares an important secret.

While the music industry is losing copies of copyrighted music, the tech industry is losing trade secrets that could make a multimillion-dollar project implode before a product is released.

For example, last November an exact copy of a detailed drawing of Apple's unreleased product—a FireWire audio interface for GarageBand, code-named "Asteroid" or "Q97"—and its technical specifications appeared on Web sites.

Apple filed a lawsuit in December against 25 unnamed "Doe" defendants in the Santa Clara County, Calif., Superior Court, claiming that its trade secrets about new products were leaked and appeared on a number of Web sites. Apple directed a subpoena at Nfox, the e-mail service provider for the Web site PowerPage. The subpoena required Nfox to produce documents that show the names, addresses, Internet Protocol addresses and e-mail addresses for everyone who provided information relating to Asteroid.

Monish Bhatia, Kasper Jade and Jason O'Grady, claiming to be journalists protecting their sources, filed a motion with the court, requesting the subpoena to be blocked.

During the hearing, the court learned that the drawing and specs were taken from a confidential set of slides clearly labeled "Apple Need-to-Know Confidential!"

The court on March 11 refused to block the subpoena, holding that the right of a business to keep trade secrets is "essential to the future of technology and innovation generally." A trade secret is property, the court wrote. Diving it is the same as transferring stolen property. There is no exception for anyone who steals acts as the go-between or receives stolen property.

The three individuals on March 22 filed a petition seeking appellate review.

What is a trade secret? Is it different from confidential information?

Unlike other forms of intellectual property that federal laws define—copyrights, trademarks and patents—trade secrets are defined by state laws. While the definitions differ in each state, basic principles stay the same.

Generally, a trade secret is a compilation of information, a formula, a pattern or a device that takes a certain level of effort or money to gather, develop or create. It gives the company an economic advantage over competitors and involves a "trade"—something used in commerce to make money or to gain business value.

In some states the laws require the information be of a type that is not easily ascertainable by others—it cannot be easily compiled or created by others in the industry.

It must also be kept secret to remain a trade secret. If the company discloses it to the general public or fails to take reasonable precautions to ensure that it stays secret, the legal protection could end.

Confidential information may encompass more than trade secrets. In contracts, how much information is confidential depends on how it is defined in an agreement.

For example, it could include all e-mail sent or received by company employees while at the office, certain customer lists and marketing plans.

As a variety of business-related issues come to the forefront in the music industry this year, confidentiality provisions and explanations of what they mean may be something to add to the agenda.

Legal
Matters

By Susan Butler
sbutler@billboard.com

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Daniels’ ‘Songs’ Blend Bible And Bluegrass

Every once in a while a CD comes along that is so amazing, I don’t want to listen to anything else (and we all know listening to a lot of different music is part of this great gig). Charlie Daniels’ ‘Songs From the Longleaf Pines’ is such a project.

Subtitled “A Gospel Bluegrass Collection,” the album features Daniels serving up such well-loved standards as “Keep on the Sunny Side,” “Softly and Tenderly” and “How Great Thou Art.” Produced by Scott Rowe, the album features the GrooveGrass Boyz, Nicol Creek’s Chris Thile, the Whites, Mac Wiseman, Cyndi Wheeler, Ricky Skaggs and banjo legend Earl Scruggs.

“I cut my teeth on bluegrass,” Daniels says, recalling his early days playing music with Russell Palmer, a friend to whom he dedicates the album. “We were big Bill Monroe fans and big Flatt & Scruggs fans. I got away from it when I started playing in clubs. I started playing Fats Domino and all that stuff, but I always had a feel and a real love for bluegrass music. I thought for many years about doing a bluegrass album.”

The set opens with scripture as Daniels recites John 3:16, “I’m glad to start it off with a Bible verse,” he says. “That’s what the whole album is about. It’s a Christian album, a gospel album. It’s about salvation.”

In addition to such tasty tracks as “Walking in Jerusalem” (Just Like John), “which features the Whites, and “Preachin’, Prayin’, Singin’,” a duet with Skaggs, the album includes recitations of the 91st and 223rd psalms. Both cuts feature Thile playing mandolin as Daniels speaks.

There’s also a fiery instrumental version of “I Fly Away,” featuring the GrooveGrass Boyz, an elite squad of bluegrass pickers that includes Rob and Ronnie McCoury, Jason Carter, Michael Bub, Andy Hall and Tim May. The musicianship on “Songs From the Longleaf Pines” is excellent. The record looks to have broad-based appeal among bluegrass, country and gospel fans. Music is being serviced to bluegrass, folk, Americana, gospel and satellite radio.

Daniels is getting media exposure in a variety of places, including “The Late, Late Show Starring Craig Ferguson” on CBS and in the pages of No Depression.

As awareness builds, this record has the potential to draw the same audience that embraced “O Brother, Where Art Thou?” so enthusiastically. The rootsy feeling and musical integrity recall that groundbreaking collection, plus it percolates through with Daniels’ musical passion and warm personality.

“Songs From the Longleaf Pines” was released March 22 on Blue Hat Records/Koch Records. Koch is taking the album to the mainstream, and it is being distributed to Christian retail via New Day Christian Distributors, Spring Arbor, Central South and Anchor.

In addition to promoting the new album, Daniels is set to visit Iraq, Kuwait and Afghanistan in April to entertain American troops. “I’m looking forward to it,” he says. “We’ll do about three major concerts and everything else will be acoustic guitar out in the boonocks. We want to do something for the kids who are out there that people don’t get to see very often.”

GMA HOSTS ANNOUNCED: Steven Curtis Chapman, CeCe Winans, Rebecca St. James, Smokie Norful. Darlene Zschech and Israel Houghton have been tapped as hosts for the 36th Annual GMA Music Awards, set for April 13 at Nashville’s Grand Ole Opry House.

There will be a new format for this year’s show. The evening was previously divided into a preshow segment for distribution of the bulk of the 44 awards and a main show, which primarily featured performances. This year, one show will feature both performances and award presentations.

The show will air in syndication in June. Chicago’s Central City Productions will handle first-run syndication through network affiliates and independent stations nationwide.

Nashville-based VP/VP Steve Gilreath will produce the awards.

NEWS NOTES: The Corinthian Group has tapped Alex MacDougall as its new executive VP/C MO of Maranatha. He was previously VP of special projects for EMI Christian Music Group and GM of Vineyard Music. Randy Award, formerly COO/GM of the Corinthian Group, has been promoted to president of the company.

INO’s new rock label finally has a name—SROE Recordings, which stands for “significance, relevance and excellence.” The label is being run by industry veteran Steve Ford. Partnering with Epic Records for mainstream distribution, the label will issue its first project in June.

GosProductions’ Eddie Rambone added to the Nashville’s new project’s management team. John Conlee, the Judds, Sam Bush, Lionel Hampton, Mary Travers, Todd Duncan and John Jacob Niles.

Blue Note Bucks The Tide With Glasper Signing

When Blue Note Records recently signed pianist Robert Glasper, it marked the label’s first enlistment of a young, up-and-coming instrumentalist since pianist Bill Charlap five years ago. In between, Norah Jones went through the roof, followed by deals with such pop-oriented artists as Van Morrison, Al Green, Anita Baker and Amos Lee, in addition to bringing onboard jazz vets Wynton Marsalis and Terence Blanchard.

But nowhere was a commitment to a younger whose talent could be nurtured, in the same way the label has fostered the careers of home-grown stars Joe Lovano, Greg Osby, Stefano Harris and Jason Moran.

Blue Note president/CEO Bruce Lundvall admits he was cautious. “I have to be selective because I want to develop the label with distinctive artists whose careers will be long term. I’m looking for musicians with the touch of God on their heads. I’m looking for originals,” he says.

Lundvall heard Glasper’s first album, “Mood,” on Spain-based Fresh Sound Records, then saw him perform at New York’s Blue Note. He became a believer. “I’m convinced Robert has a real career ahead of him based on his bright, fresh compositional sense and his approach to playing, which is influenced by pop music,” he says.

By signing Glasper, Blue Note has bucked the tide. Lundvall says, “All the other majors have taken shelter in terms of signing new musicians. That means the Indies have come on, which I think is healthy for the business. Palmetto’s covering a lot of ground, and Concord is becoming a big player, just like a major.”

A Houston native, the New York-based Glasper is a pianist who has worked with such jazzers as Blanchard and Mark Whitfield. But he has also backed a range of acts, from Mos Def and Q-Tip to Melle Mel and the E-Force, the J-Force and the Lox. His sound is consistently eclectic, from the electrically charged “Voodoo” to the acoustic, neo-soul Africana.

GOSPEL NEWS: Smalls, the Detroit gospel group, has released its first album, “New Day,” on the Vanguard label. The set features what the label is describing as “a collection of songs brimming with spiritual excitement and joy.”

The set opens with a lively version of “I’m a Child of the King” and a spirited rendition of “When I Survey the Wondrous Cross.” Smalls’ latest also features a rousing version of “I Can Only Imagine,” the hit by MercyMe, as well as a soulful take on “How Great Thou Art.”

The Last Set: The Last Set by the Last Set.

Eddie Rambone, the Nashville-based VP/VP, has added two new acts to his management team.

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Jazz Fest Bounces Back From Dismal 2004

BY RAY WADDELL

Jazz Fest is back. The much-loved New Orleans Jazz & Heritage Festival, set for the week-ends between April 22 and May 1, is enjoying strong ticket sales after a dev-astating performance in 2004. Few if any music festivals have as large a national profile as Jazz Fest. But as popular as the event has become, its future direction, as anything but certain as recently as last fall (Billboard, Oct. 2, 2004).

Plagued by rain and a general malaise in the concert business, the festival lost its luster for the first time since the early 1970s; some estimate the loss at as high as $1 million.

In the aftermath, the New Orleans Jazz & Heritage Foundation opted to put production of the event out to bid. Ultimately, the Jazz Fest board voted to negotiate a new contract with Festival Pro-duction Inc., the company that has produced the event since its start 35 years ago.

But at one point, it looked as though Jazz Fest might go in another direction. In addition to FPI, the other bid finalists were Worldwide Entertainment (sister company of Florida-based promoter Jack Utsick Presents) and a partnership between AEG Live and Rehage Entertainment. All three finalists had agreed to put $2 million to produce next year’s festival, given that the foundation lacked the cash flow in the wake of the 2004 festival. After winning the bid, FPI quietly formed a partnership with AEG Live.

“One we were chosen, everybody wanted to be our partner,” says Quint Davis, producer/director of Jazz Fest for business contact before he went to Madison Square Garden,” Davis says (Billboard, March 19). “We’re also work-ing with separate AEG division AEG TV to develop a television program around Jazz Fest. And, of course, the primary person we deal with is [Jazz Live CEO] Randy Phillips, who essentially put this deal together.”

While it surprised many that production of Jazz Fest went to bid, given FPI’s history as producer, Davis says he doesn’t believe the move was strictly a reaction to the poor performance of 2004. “There was a group of people that wanted to make a change no matter what, and the bad year just gave them an excuse,” he says. “When it went out to bid, a lot of people wanted to get their hands on it because of the money, but they still had to put [the festival] on. And as the decision got closer, I think the board began to realize that they would need us to put it on.”

After all, FPI is the only producer Jazz Fest has ever had. “But that doesn’t mean with AEG Live as a partner we’re too old a dog to learn new tricks,” Davis points out. “That’s why we wanted to partner with them, to learn where we could improve.”

BALANCING HERITAGE AND DRAW

As usual, the festival has tried to strike a balance between popular mainstream acts and vital jazz, blues, zydeco and gospel, as well as a strong contin-gent of jam bands (see list, this page). Ticket buyers have responded.

“We started off with a bang because we did a special offer where we put tickets on sale for $20, and that coincided with the accidental release of our talent lineup,” Davis says. “It started a firestorm, particularly in New Orleans, which is the most ticket-price-conscious human habitation on the North American continent. Releasing this lineup at that price was like wear-ing a gasoline suit to a bonfire.”

Davis says the initial on-sale far exceeded expectations. “We had fully expected, with the festival we had booked and the marketing we had planned, to have a great year,” he says.

“But early sales went much faster than they normally would. Now, we’re at a normal pace of a very good year.”

As of now, Jazz Fest is on track to finish in the black, but nobody’s counting their chickens yet. “We were on track to finish in the black last year, too, before it rained five of our seven days,” Davis says. “Before that, we had been Teflon. But in 2004 we had the triple-whammy of terrorism impact-ing travel, the rain, and the fact that concert ticket sales overall were way down.”

But the rain last year, which com-pletely shut down the festival for one day and greatly affected four others, was the big negative factor. “We’re a weather-related event,” Davis says. “And if we had ever forgotten that, last year was a big reminder.”

Caesars Helps Nicks Interpret Her ‘Dreams’

BY JILL KIPNIS

Booking shows at the Colosseum at Caesars Palace in Las Vegas is a bit of a gamble. With two resident productions, Celine Dion’s “A New Day . . .” and Elton John’s “The Red Piano,” accounting for upwards of 250 shows a year at the venue, scheduling other performers is a challenge.

The fact that Stevie Nicks is booked for a four-date exclusive engagement there in May is, however, more than just the luck of the calendar. The shows are taking place May 10-11, 13-14 and tickets are priced $75-$175.

Caesars Palace and its promotion partner Concerts West are working with Nicks to create a unique concert experience called “Dreams” that they say could work only at the

Like John’s “The Red Piano,” which was largely created by legendary photographer/director David LaChapelle, Nicks will work with top designers to create a set design and advantage of the Colosseum’s half-acre, downward-sloping stage and huge LED screen, Caesars Palace president Mark Juliano says.

Caesars Palace and Concerts West are jointly formulating a marketing campaign that aims to draw tourists and Las Vegas residents to the Nicks dates by touring the show’s one-of-a-kind elements.

DESTINATION: COLOSSEUM

Nelson says that promotion for Dion, who performs about 200 dates annually, and John, who performs about 50 dates per year, centers on bringing in largely out-of-town and overseas audiences through viral marketing and advertising.

For Nicks’ dates, however, “it is somewhat different,” he notes. “With just four shows, we’re not reaching out around the world. We’re using tra-di-tional marketing, radio, television and print, with some beautiful creative materials that Nicks will give us. We’ll promote in the local market, and focus on the Southwest in cities including Los Angeles and Phoenix.”

Juliano says Caesars Palace has established itself as a home for major headlining acts because of the success of Dion and John. Dion sold out 183 shows last year and sold 1 million tickets, according to Juliano, and John sold out all of his 43 shows.

“Dreams” tour will be a 35-city trek in 2005, grossed $33.3 million and attracted 250,000 people, according to Billboard Boxscore.

The stage itself is also a draw, Juliano says, not only because of its sheer size and technological features, but because of its “in-the-round” feel.

Juliano and Nelson believe all four Nicks shows will sell out. Juliano says a March 14 presale was “the biggest one-day debut that we’ve had.”

FUTURE PLANS

It is uncertain whether Nicks will be touring later this year or if she will co-headline with Don Henley, as has been speculated.

It is also not clear whether any ancillary products, such as a live CD or DVD, will spawn from “Dreams.”

Exact production details for “Dreams” are still being determined.

Concerts West and Caesars Palace will continue to pursue superstar names for the three or four multiday slots the venue’s schedule permits each year. The Colosseum has previ-ously hosted such artists as Faith Hill and Gloria Estefan.

Another organization will reveal other bookings planned for 2005, though the schedule is believed to be almost full for the entire year.

Nicks is booked by Howard Rose at the Howard Rose Agency. She is managed by Sheryl Louis at H.K. Management.
Rubinstein Puts Career On Ice

Ed Rubinstein is the only executive director the BI-L0 Center in Greenville, S.C., has ever had and he’s moving on—down the hall, at least.

Rubinstein will step down as the top man at the 15,000-seat BI-L0 Center in the coming days to take on his new role as one of 13 investors that bought the arena’s East Coast Hockey League team, the Greenville Grrrowl. Rubinstein has a five-year contract to be operations director of Greenville Sports and Arena, the group that bought the Grrrowl from its owner (and developer of the BI-L0 Center) Carl Scheer.

Rubinstein will still have an office at the arena. “I’m moving about 15 steps down the hall,” he tells On The Road. He became executive director of the arena when it opened in 1998 for Centerplate (then Volume Services).

Centerplate has a contract to manage the BI-L0 Center until 2013, then GSA will either manage the arena, re-sign with Centerplate or go with another management company.

Rubinstein says he has “had a good run” as executive director. Under his leadership, Greenville has solidly placed itself in the touring landscape after opening with back-to-back shows by Janet Jackson and Pearl Jam. Other acts playing the arena include Eric Clapton, the Dixie Chicks, the Eagles, Usher, Aerosmith, Cher, Britney Spears, Backstreet Boys, ‘N Sync and Kiss.

This opportunity came along and I felt it made sense for me,” Rubinstein says. “I will miss the arena business, but I won’t be far from it.

RIDE ‘EM, HILARY: There’s a new sheriff in town at the Houston Livestock Show & Rodeo, which ran March 1-20. Teen star Hilary Duff set a new attendance record for the event, drawing 72,543 people to Reliant Stadium on March 6. She broke a record set earlier in the week by Alicia Keys, who drew 72,502.

Duff is from the area, but even her handlers were caught off guard by the sheer magnitude of the date. “We were thrilled,” says David Zedek. Duff’s agent at Creative Artists Agency. “And Hilary was very excited to play an event that she grew up going to with her family.”

Other stars at the Houston event included Kenny Chesney (69,292), Alan Jackson (50,055), Gretchen Wilson (61,573), Jeff Foxworthy/Big & Rich (61,500), Rascal Flatts (56,885), Pat Green (62,500), and Martina McBride (62,588). Tickets started at $16.

The HLSR has long been something of a barometer for the upcoming summer concert season. That holds true for Duff, who Zedek says will begin a full-blown arena tour in mid-July of roughly 35 dates.

Meanwhile, RodeoHouston spokeswoman Sarah Poole tells On The Road that rodeo paid attendance was up 7.66%.

But the event uncharacteristically had loads of tickets available for the final week of shows at Reliant Stadium. Among the acts that had tickets available the final week were Maroon5 (10,000 tickets), Montgomery Gentry (26,500), Lynyrd Skynyrd (19,000), Clint Black (14,500) and Clay Walker (17,000).

Rodeo paid attendance topped 1 million for the 11th consecutive year, for a total of 1,127,239 people, topping last year’s attendance of 1,126,086.

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BY RAEGAN JOHNSON

In an industry saturated with young, beautiful, talented female artists, Brooke Valentine knows that she has to come out swinging.

This makes the 19-year-old’s first single, “Girlfight,” particularly fitting. The uptempo club song, produced by Lil Jon and featuring OutKast’s Big Boi, steps into the uncharted territory of how girls physically challenge each other.

The Houston native wrote the song in 10 minutes at a Lil Jon party in Miami.

“I had a couple fights during my day,” Valentine says. “But no one has really touched on the subject of how girls fight. [The inspiration] could have even come from the girls or the vibe at the party.”

Valentine, who is published by Racker Music Publishing (ASCAP), wrote or co-wrote all 15 tracks on her March 15 Subliminal Entertainment/Virgin Records debut, “Girlfight.”

The singer has been clicking with fans; “Girlfight” reaches No. 25 on the Hot R&B/Hip-Hop Singles & Tracks chart this issue, while “Chain Letter” enters The Billboard 200 at No. 16 and bows on the Top R&B/Hip-Hop Albums chart at No. 3.

Valentine’s career started in 1998 when she met Deja, president of Subliminal Entertainment in Los Angeles. He executive-produced “Chain Letter” along with Virgin chairman EO Matt Serletic and Virgin A&R exec Josh Deutsch.

Deja put Valentine in a girl group called Best Kept Secret. When the act disbanded, Valentine, who is managed by Interface Visions, began work on her solo career.

A couple of Valentine’s songs ended up in the hands of Serletic, who flew to Los Angeles to hear her.

“She’s very powerful, engaging artist with a wide range of musical tastes.”

DON’T CALL HER AN R&B SINGER

From “Blah, Blah, Blah,” a fun, bouncy song about nagging lovers featuring the late D irrit McGirt (aka Ol’ Dirty Bastard), to “I Want You Dead,” a sinister, scorned-woman anthem, Valentine’s album leaps across genres ranging from pop, rock and alternative to dance, hip-hop and R&B.

“If you ask me about the types of music, Valentine says. “I have fun dicing and dabbing in all genres.”

Alanis Morissette, Anita Baker, Blondie, Pat Benatar, Al Green, Luther Vandross and Tina Turner are just a few of the artists who have influenced Valentine’s music. Her dream collaboration would be with another influence, Sade. However, Valentine is quick to dismiss those who try to categorize her music.

“I am not a crunchy R&B artist. I am not an R&B artist,” she says. “There’s a lot of music that I do not make in a category, because you are going to get disappointed every time.”

Virginia hopes that audiences will embrace the diversity of “Chain Letter.”

“Hopefully, people will respect her for doing something different, and that will separate her from the norm,” says chairman of Conjunction Productions, Heatmaker and Bloodshy & Avant of Murlyn Music.

“The variety in Valentine’s music could make it hard to promote in this pigeonholed world. Serletic admits, but the label is fine with that.

“It might be difficult, it might take longer,” he says. “But at the end of the day, some of the greatest artists ever were those who combined different types of music.”

Valentine is already winning converts. AOL chose her for its Breakers program, with “Chain Letter” receiving 60,000 plays the day it premiered on the site alongside albums by Acceptance, the Bravery, Brie Larson, Keyshia Cole and Shooter Jennings.

“We loved that Brooke is feisty, but also very soulful,” says Jack Isquith, executive director of music industry relations for AOL Music. “She sang for us a cappella.”

Isquith says, “The fact that she is so musical on top of her charisma is a big deal for us.”

Valentine is busy with her promotional tour, which has included appearances on “Entertainment Tonight,” “106 & Park,” “Live With Regis and Kelly” and “TRL.”

She has also been featured in USA Today, Vibe, Blender, Rolling Stone, Women’s Wear Daily, Playboy, Jet, Entertainment Weekly and Teen People.

Tour plans are in the works from Creative Artists Agency, which books Valentine.

Her maturity and edginess continue to prove that she isn’t your conventional teenager.

“If I wasn’t singing, I would probably be teaching,” Valentine says. “There aren’t enough health and sex education classes.”

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Garrett Helps 112 Get Its Groove Back

BY GAIL MITCHELL

Sean Garrett co-wrote three songs on the current Hot R&B/Hip-Hop Singles & Tracks chart: “Soldier” and “Girl” by Destiny’s Child as well as 112’s “U Already Know” (formerly titled “Ask No Questions”). And the Grammy Award-nominated songwriter/producer shows no signs of slowing down: He is set to executive-produce the debut album by Roc-A-Fella’s Juelz Santana.

Last time Billboard checked in with Garrett (Rhythm & Blues, Oct. 16, 2004), he was riding high with credits on Destiny’s Child’s “Love My Breath,” Ciara’s “Goodies” and the song that helped get the ball rolling, Usher’s “Yeah!” Since then, the Atlanta-based Hi Tec label and his trusty pen have created paths with Jennifer Lopez, Ricky Martin, Mario and Omarion. He is also collaborating with Mary J. Blige, Amerie, Donell Jones, Jamie Fox and Ginuwine.

Garrett describes 17-year-old Marri as an “urban Avril Lavigne” whose music women of all ages can identify with. He has completed eight songs with the Detroit R&B singer, including “How to Make Me Feel” and “I Ain’t No Daddy.”

“Teens talk about life as it is,” Garrett says during a recent lunch in Los Angeles. “And I write records based on what they’re doing in the world: chaos, tensions, people dying. I go for the jugular. Hit records are records that go outside the box.”

Garrett—nicknamed the “pen” by Jay-Z—likes challenges. That’s why he was jazzed about collaborating with Martin. “People won’t expect him to come back like this,” Garrett says of a Martin tune he worked on. “Me, Venge.”

“It means I’m coming,” he adds. “It’s very hot with a crazy beat that mixes urban and Latin with congas.

The goal for 112, Garrett says, was to “come back incredibly strong. There are some doubters out there on the idea of them coming back.”

It’s no secret that 112’s last Def Soul/Def Jam album, “Hot & Wet,” was a disappointment. According to Nielsen SoundScan, the 2003 album has sold only 380,000 units—which pale to the group’s 1.9 million-selling 2001 release, “Part III.”

It is also no secret that male groups aren’t exactly the rage right now in R&B.

Looking at the success of 112’s previous melding of R&B and hip-hop (“Peaches & Cream,” “It’s Over Now”), Garrett focused on the group’s urban appeal by writing “very descriptive songs, he says. “They’re young men now; women think they’re sexy.

Garrett’s pressing is the ultra-sexy “U Already Know.”

“We just wanted to get back to the essence of making great love songs,” says Darren, a member of 112 along with Slim Q and Mike. “Hot & Wet” wasn’t a bad album. But the choice of singles helped make the album not as successful as it should have been, and some of the imaging was off.”

New album “Pleasure & Pain,” duh March 29, “is more R&B and heavier on ballads,” Darren says. “It’s a love-making album. However, it still has the hip-hop elements we’re known for.”

Besides Garrett and Darren, the slate of producers includes Warryn Campbell, Mario Winans and Jermaine Dupri. Guest performers include Dupri, T.I. and Three 6 Mafia.

Daron and Slim feel the recent surge in R&B’s popularity will work in their favor. “When you listen to this album, it will remind you of our first Motown Universal, but I don’t.”

“But I’m a team player, definitely,” she clarified. “I understand what it is to sell units, and I know what it is to stay true to myself.”

Hopeing to do both, Badu is alreadying a label, Control Freaq Records. The first release will be from New Orleans-based artist Jay Electronica.

Badu says she plans to record a long-awaited fourth studio album in her home studio. “I walk by it every day,” she said. “It makes it easier.” As for when it will be delivered to the label, she said, “When I’m done.”

Badu said she is in no hurry to follow up her 2003 EP, “Worldwide Underground,” and Motown has not pushed her. Even so, she admitted that Syvia Rhone, who was named Motown president/Universal executive VP last fall, “could probably inspire me to move faster.”

“Shes a Pisces, Im a Pisces. She’s a girl, Im a girl. Shes powerful, Im powerful,” Badu said. “I think were going to get along.”

MUSICAL NOTES: Newcomer Bobby Valentine’s April 12 debut has been retitled “Disturbing The Peace Presents: Bobby Valentine.”

“Dreaming Wide Awake” is the rough cover. The sophisticated set by Lizz Wright. The singer/songwriter works (continued on page 18)
Rhythm & Blues

Continued from page 17

with Toshi Reagon, among others, on the Verve Forecast project, due June 14.

Southern singer Tyra (not the model) has signed with Universal Records. Indie label GG&L, originally issued her first single, "Country Boy." Universal will release her debut album this summer in association with GG&L.

R&B veteran Howard Hewett gets personal this spring. The former Shalamar frontman's "Intimate: Greatest Hits Live" DVD bows April 12 via Shout Factory. The singer was filmed during a Nov. 5, 2004, performance at the Los Angeles club Fais Do Do.

A companion CD of the same name arrives May 3. It features 11 tracks, including the top 10 R&B singles "Stay," "I'm For Real" and "Show Me." There is also a Shalamar medley, featuring "Second Time Around," "Make That Move," "Somewhere There's Love" and "A Night to Remember." The Music Entertainment Indus-

http://www billboard com/
Los Tigres Lighten Their Message On New CD

BY LEILA COBO

During their long and storied career, Los Tigres del Norte have come to be known not only as the premier norteño band, but as the voice of the people—feared troublemakers who tackle just about any subject in their legendary corridos.

But on “Directo al Corazón,” due March 29 on Fonovisa Records, Los Tigres are seeking to expand into the broader, international arena with an album that’s more lighthearted than their other work.

“We wanted to make a happier album, a more youth-driven album,” says Jorge Hernández, the iconic leader of Los Tigres. (Other members are brothers Hernán, Eduardo and Luis Hernández and cousin Oscar Lara.) “These are tough times, and we think our audience needs more upbeat songs.”

Los Tigres have seen five of their albums reach No. 1 on the Billboard Top Latin Albums chart; seven albums, dating back to 1994, have been certified gold for shipments of more than 500,000 copies in the United States.

But it is their songs that consistently make headlines, thanks to their sometimes thorny and dramatic themes.

On last year’s album “Pacto de Sangre,” the singles “José Pérez León” and “Las Mujeres de Juárez”—define the band’s topicality. The former is a haunting corrido of an immigrant who suffocates in a truck while illegally crossing the Mexican border. The story mirrors the Texas smuggling case currently being tried in which 19 illegal immigrants died.

The latter was critical of the Mexican government’s handling of the mysterious deaths and disappearances of hundreds of women near Ciudad Juárez, which shares a border with El Paso, Texas.

Such a song, Hernández says, is “dangerous for an artist’s career. You expose yourself when you deliver such harsh criticism.”

However, he adds, there was no backlash, and the song raised awareness, which was its objective.

POLITICAL SATIRE

“’But in this album,’ Hernández says, ‘we didn’t want that kind of approach.’ Instead, the group is banking on songs that still have a strong connection with their listeners but are less controversial.

One is “La Neta de las Netas,” a satirical, often funny portrayal of Mexican politics that could apply to many other countries.

Another is the first single, “La Sorpresa,” a tale of a man who leaves his girlfriend and crosses the border. When he returns to visit her, he chats up the cab driver and finds out she has married his girlfriend.

The track is No. 4 on Hot Latin Tracks and No. 3 on the Latin Regional Mexican Airplay chart.

“La Sorpresa” was penned by Manuel Alejandro Toscano, who told Hernández the tale actually happened to someone he knew. This element of reality in many of Los Tigres’ songs has enabled the group to maintain its relevance for more than three decades.

“I’m interested in knowing what people think,” says Hernández, who often schedules autograph and photo sessions during the group’s shows and is known for accepting song ideas on slips of paper from fans.

“I like to know how they are, how they live,” Hernández says. “I listen to them, and I listen to what they say about our music, good and bad. When you’re onstage, you can tell if you’re there because you really want to be there.”

That mentality has served Los Tigres as they’ve taken norteño music—a regional Mexican form—abroad.

“The reality is that Los Tigres are more universal than ‘regional’; their songs are stories that people all over the world are interested in and mesmerized by,” says Peggy Dold, VP of international for Univision Music Group, Fonovisa’s parent company. “Los Tigres are unafraid. They have passion and power that is transmitted not only through their lyrics, but also in their performances. It is very rare to see a group that has such a personal, mutually respectful relationship with their fans.”

Dold, who describes Los Tigres’ international growth as “organic,” says the group has worked steadily in Latin America and Spain for the past 18 months and continues to develop in those markets. This year, tour dates have been booked for Central America, Spain, Argentina, Chile and Colombia.

Although the international promotion will cut into Los Tigres’ lucrative Mexican and U.S. tours, the group is seeing results in the short term.

“Things are happening faster than we thought,” says Guillermo Santiso, the former Fonovisa president who now handles Los Tigres.

“It’s not so much about taking time away from their tours here, because I don’t see it as a loss,” he says. “I see it as an investment in the international arena that was long overdue.”

Salsa Songs To Ring Cells

The music of such salsa greats as Joe Arroyo, Sonora Carruseles and Fruko y sus Tesos will now be available via mobile devices, thanks to a recently inked deal.

Under the deal, announced March 21, Universal Music Mobile International will market Discos Fuentes’ masters through its distribution channels in all territories outside the United States. UMMI will now be able to use original samples from Discos Fuentes’ recordings for master ringtones.

Sunflower Entertainment is the third party in the deal. The company, a division of Arc Music, administers Discos Fuentes’ master licensing as well as the publishing of its subsidiary music publishing company Edimusica.

Discos Fuentes, which was founded in 1934 in Colombia and has offices in Colombia and Miami, has a catalog of more than 20,000 titles, many of them by legendary salsa, cumbia and vallenato artists.

For years now, Arc has aggressively pushed the Edimusica catalog in and outside the States, greatly increasing its collected revenue.

Juan Carlos Barguil, VP of finance for Arc’s Latin operation, says his company has not only drawn revenue from the Dominican and Mexican populations, but from such countries as Poland, Switzerland and South Africa.

TEJANO AWARD WINNERS: Grammy Award-winning acts David Lee Garza and Jimmy Gonzalez y Mazz were among the top winners at the 2005 Tejano Music Awards, held March 19 in Eagle Pass, Texas.

Garza, who records on his own DLG Records, won for best song (“No Puedo Estar Sin Ti”), album (“Solo Contigo”) and crossover song (“Who’s That Gringo?”).

Mazz won for best Tejano album with “Para Mi Gente” (Freddie Records).

Shelly Larea picked up awards for female entertainer and female vocalist, and Jay Pérez won for male entertainer and male vocalist.

For the first time in the awards’ history, the ceremony was held outside of San Antonio, long acknowledged as the Tejano world capital.

Tejano Music Awards president Robert Arellano said the move to this border city was a way for the organization to shore up support for the Tejano music industry, which in recent years has gone through an economic slump that has seen nightclubs shutter, CD sales plummet and radio stations switch formats to other Mexican genres.

The site of the awards was the 4,500-seat Arena at the Kickapoo Lucky Eagle Casino, which officials say sold out.

As part of the awards, art teacher Rudy Trevino and saxophonist Gilbert Escobedo were inducted into the Tejano Music Hall of Fame. Both were among the founders of the awards in 1981.

Additional reporting by Ramiro Burr in San Antonio.
### Latin Pop Airplay

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<td>UNIVERSAL</td>
<td>JAVIER COSTA</td>
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<td>4-6</td>
<td>VIVA LA VIDA</td>
<td>ARISTOTLE ENTERTAINMENT</td>
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<td>NADA INMORTAL</td>
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<tr>
<td>16-18</td>
<td>A TODO EL MUNDO</td>
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### Tropical Airplay

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### Regional Mexican Airplay

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<td>WEAMEX / WARNER LATINA</td>
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<td>4-6</td>
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<td>7-9</td>
<td>SOY EL REY DEL SUR</td>
<td>SONS / SONS RECORDS</td>
<td>ANTONIO REYES</td>
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<td>NO ME QUIERO ABANDONAR</td>
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<td>EL CORAZÓN DEL SUR</td>
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### Hot Shot Debut

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The information is compiled from Billboard's Hot Latin Tracks, Top Latin Airplay, and Hot Shot Debut charts. Billboard is a weekly American music publication that covers the music industry. The charts are based on performance data from radio stations across the United States and provide a snapshot of the most popular Latin music tracks in the country.
Crystal Method Return To ‘Community Service’

Electronic duo the Crystal Method
are on a mission to

The act’s third studio album, “Legion of Boom” (V2), recently
received a Grammy Award nomina-
tion for best electronic/dance album. When released in early 2004, it
debutted at No. 1 on the Top Elec-
tronic Albums chart and at No. 36 on
The Billboard 200.

Its 2001 predecessor, “Tweakers” (Road
Geffen Interscope), experienced
similar chart openings. Now, the duo—Ken Jordan
and Scott Kirkland—is geared up for
the second volume in its DJ-mix series, Community Service.

Arriving April 5 and named after

the duo’s weekly radio show on
KDLD-‘BLTE (Indie 101.3), Angles,
the power-packed “Community Service II” (3 AMUltra) finds Jordan
and Kirkland mixing the old and
new—sometimes in the same track.

“The Doors” “Roadhouse Blues”
and New Order’s “Bizarre Love
Triangle” receive mighty fine aural
massaging from the Method men.
Elsewhere, New Orilginals take
on the Smashing Pumpkins’ “1971.”

“We fell in love with this bootleg mix,”
Kirkland says of the Pumpkins
track. “Which Billy Corgan then
approved for our CD.”

As for “Roadhouse Blues,” Kirk-
land says it was the energy of the
track that appealed to him and
Jordan. “The vocals, piano and
harmonica are so great,” he notes. “We
thought these elements would
upgrade well.”

The Crystal Method kicked off a
two-month Community Service II DJ
tour March 19 in Honolulu. Can fans
expect to hear some brand-new
material on this trek—say—from the
duo’s next studio album?

“We’re in the process of building a
new studio,” Kirkland explains.
“We’re in the process of building a
new studio,” Kirkland explains.
“Smart” new ideas for the new album yet.
But with today’s software, that can
change very quickly. So, yes, we
could well play some new
tracks on this tour.”

SOMETHING SPECIAL: New York DJ
Danny Krivit has been tapped by
London-based Defected
Records to helm the
latest entry in its tasteful
In the House compilation
series. Krivit’s “In the
House,” which arrives
April 4 in the United
Kingdom, will satisfy
those who cannot get
enough of the
soulful house sounds.

Hardcore fans will
evercovet the new
Krivit re-edits, including
Brand New
Heavies’ “Stay This Way” and Blaxx’s
“How Deep Is Your Love.”

In a wickedly smart move, Krivit
closes the disc with Nicholas
Cole’s cover of Michael Franks’ “Tell
Me All About It.”

By the way, come April 10, Krivit
will celebrate his birthday with an
extra-special edition of his monthly
718 Sessions party at New York’s
Deep club. Don’t be surprised if he
pulls out major surprises for this one
(think new mixes and edits).

MOVING ON: After 14 years at
Netwerk Productions—home to
the Netwerk label—senior VP
A&R George Maniatis has resigned,
effective March 31 (billboard.biz,
March 18).

Tentatively titled “Remixed 2,” it
is the follow-up to the artist’s
Netwerk/Arista late-2003 CD
“Remixed,” which debuted at No. 1
on the Billboard Top Electronic
Albums chart early last year.

“Remixed” has sold 120,000 copies
according to
Nielsen SoundScan.

Scheduled for release later this
year, “Remixed 2” features tracks by
Junkie XL (“World On Fire”),
Junior Boys (“Fumbling Towards
Ectasy”), Thievry Corporation
(“Dirty Little Secret”) and Sly &
Robbie (“Train Wreck”).

Also included is a Black Eyed
Peas rerub of a cover of Harry
Chapin’s 1974 No. 1 hit pop
“Cat’s in the Cradle” by DMC
featuring
McLachlan. (The original
version will appear on DMC’s
forthcoming solo album.)

After March 31, McLachlan can be
reached at 604-715-7426 or
georgemclachlan@telus.net.

COOL CHART FACT: In this issue,
Jennifer Green’s “How Can I Be
Falling” reaches the summit of
the Hot Dance Club Play chart.
The track was co-written by
Mike Rizzo, Artie Sloy and former
Billboard intern Michael Guerriero.

For Catalog, The Magic Is In The Remix

BY MICHAEL PAOLETTA

Everything old is new again—and it makes no difference if it is
a 2-year-old dancefloor hit or a decades-old jazz classic.

Indeed, record labels have discovered that yesterday’s catalog can
be today’s goldmine—particularly when it is remixed, recon-
structed and repackaged.

In recent weeks, a handful of remix collections have made their
presentation known. They include “Mayfield Remixed—The Curtis
Mayfield Collection” on Rhino (Beat Box/Billboard, Jan. 25), Apana
Project’s “Relight” on Nite Grooves/King Street Sounds (Beat Box,
Billboard, Feb. 19) and Everything but the Girl’s “Adapt or Die—
Ten Years of Remixes” on Blanco y Negro/Sire/Atlantic (Beat Box,

In the coming weeks and months, these titles will be joined by
several others, including “Verve Remixed 2” on Verve. Tony Braxton’s
“Un-Break My Heart; The Remix Collection” on LaFace/Legacy,
“Atlanticity” on Atlantic/Rhino, “Motown Remixed” on Motown
(Beat Box/Billboard, Jan. 8), “Superstars #1 Hits Remixed” on Sony
BMG Strategic Marketing Group and Sarah McLachlan’s “Remixed 2”
on Nettwerk (see Beat Box, this page).

Also being discussed is a multi-artist remixed set focusing on the
rich catalog of Philadelphia International Records.

With each remix project, labels hope to introduce catalog mat-
terial to new and old fans alike. They accomplish this—or not—with
the help of well-known and under-the-radar producers and DJs. It
is a concept that, when done well and with much care and respect,
results in healthy CD sales.

“it boils down to the quality of the remixes,” says Richard Bridge,
music producer manager for dance and singles at Virgin Entertainment
Group. “Do they stand up in their own right? Do people say,
‘What’s going on?’ Or are they like, ‘This is cool?’

The most commercially successful remix sets featuring newly
commissioned remixes (as opposed to a collection of previously
available remixes) result in “a combination of the two responses—
usually from the same person,” Bridge adds.

A perfect example is the Verve Remixed series. According to
Nielsen SoundScan, the first two volumes have combined sales of
231,272 units. For many retailers and labels, this 3-year-old series
has become the industry benchmark.

“Verve Remixed 3” places the spotlight firmly on the singer; it is
to prepare itself for its predecessors. The 13-track set
remixes by such contemporary tastemakers as the Brazil-
ian Girls (Blossom Dearie’s “Just One of Those Things”), the Postal
Service (Nina Simone’s “Little Girl Blue”), Adam Freeland (Sarah
Vaughan’s “Fever”), Danger Mouse (Dinah Washington’s “Baby, Did
You Hear?”) and Junior Boys (Billie Holiday’s “Yesterdays”).

“Verve has its ears to the street—and it shows in their sales,” says
one major-label executive who spoke on the condition of anonym-
ity. “We all like those kinds of numbers for what is basically catalog
material. Verve has created the template for others to follow.

And they follow too.

Like “Verve Remixed 3,” “Motown Remixed” and “Atlanticity”
focus on decades-old material. The former is home to numerous
Motown classics, while the latter is a mix of mainstream and lesser-
known soul, funk and jazz nuggets from the Atlantic Records vaults.

One track from “Motown Remixed”—Paul Simpson & Miles
Dalbo’s MPG Groove Mix of Marvin Gaye’s “Let’s Get It On”—entered
the Hot R&B Hip-Hop Singles & Tracks chart at No. 94 in the March 19
issue of Billboard.

According to Verve Music Group A&R director Dahlia Ambach
Caplin, when putting together remix collections of vintage mater-
ial, it is imperative that producers not lose the artist’s original idea.

“You want the producer to bring something new to the table,
while respecting what came before,” she says.

“The producer must dissect and reconstruct the track,” adds Todd
Roberts, a music consultant who co-produced the set with Ambach
Caplin. “You want to make sure that it is a true collaboration
between the original artist and the remixer.”

Rhino/Warner Strategic Marketing product manager Tanya
Welsch—responsible for the Mayfield. Everything but the Girl
and “Atlanticity” sets—puts it another way: “Music fans can tell if a
remix collection has been done out of respect or to exploit catalog.”

Philadelphia DJ-producer King Britt, whose remix work can be
found on a handful of these new collections, says “we’re respectful
of what came before is No. 1—while also maintaining my own
integrity as an artist.”

That was key for Everything but the Girl’s Ben Watt and Tracey
Thorn, who selected and sequenced the 14 remixes (four of which
are new for “Adapt or Die”). To make it listenable as an album and
“not just a string of dance remixes for DJs,” Watt says he trimmed
song intros and outros to make it like a companion piece to the
duo’s 2002 collection, “Like the Deserts Miss the Rain.”

Braxton’s “Remix Collection” is just that: a string of dance remi-
xes. Beat-mixed and sequenced by Hex Hector, it features the singer’s
dancefloor hits, five of which were never released commercially.

A remix collection can enhance the understanding of an artist,
Watt says. That is, “if it is well thought-out and if the remixes
themselves are good.” On the other hand, he adds, “if it is badly thought
out, it just looks like a casual money-spinner.”
Carter’s New ‘Story’: Artistic Freedom

BY PHYLLIS STARK

NASHVILLE—Most artists who make the move from a major label to an independent tout their newfound artistic freedom, but Deana Carter really means it.

On “The Story of My Life,” her first album for Vanguard, Carter produced, wrote all the songs and played acoustic and electric guitar, bass and keyboards.

The album, released March 8, was recorded in the Los Angeles-area home of engineer James Michael. No one from the label heard a note of music until the album was finished.

It debuted at No. 26 on the Billboard Top Country Albums chart last issue, with first-week sales of slightly less than 7,000 units, according to Nielsen SoundScan.

Another element of Carter’s newfound freedom is that the longtime BMI writer is now self-published, via her own Deanaling Music (ASCAP).

Carter burst onto the country music scene in 1996 with her multi-platinum Capitol Records debut, “Did I Shave My Legs for This?” and its No. 1 singles “Strawberry Wine” and “We Danced Anyway.”

Her follow-up, 1998’s “Everything’s Gonna Be Alright,” went gold, but after a 2002 greatest-hits project Carter left Capitol and signed with Arista Nashville in what would prove to be a creatively and financially fulfilling move. Her one album for the label, “I’m Just a Girl,” peaked at No. 6 in 2003 on the country chart and spawned just one top 15 hit.

For her next project, she signed with Vanguard because “it was a label that believed in me,” she says. “They were taking me as I am. They weren’t trying to change me, and they didn’t have any stipulations.”

At the majors, Carter says, she was discouraged from working with the producers of her choice and from singing her own songs. At Capitol, she claims, at least one record executive (who is no longer there) she has to add the right to me to time the length of her songs.

“It got to be like a factory,” says Carter, who believes she had “earned the right to be true to myself.”

After the Arista album, she parted on good terms from parent RCA Label Group, saying RLG chairman Joe Galante knew her musical leanings were no longer in the country mainstream and “cared enough about me to let me go do what I need to do.”

At Vanguard, says, “they were offering that [freedom]. . . . It was away from country music, she says it did make her feel more free to experiment musically. “I can be myself without worrying about not being country enough,” she says.

But she has not turned her back on country radio. She recently appeared on a panel at Country Radio Seminar in Nashville. And she hopes radio hasn’t turned away from her music either.

“Hopefully those relationships at country radio are faithful and true and will allow [the music] to live, because we’ve all put a lot of time in together,” she says.

So far, country radio hasn’t widely embraced debut single “One Day at a Time,” although it has its supporters, including Sirius Satellite Radio director of country programming Scott Lindy.

“It really like this new album,” says Lindy, who plays the song about 20 times per week on the satcaster’s New York country channel. “I can see us delving into three or four more songs for airplay,” he says, adding, “I’ve sent a copy of this album to our pop/AC people at Sirius in New York too.”

“The special thing about Deana has always been her voice, and this production really gets the most out of it,” Lindy says of the album, citing its “visual lyrics and damned hokey sounds.”

“I hear a very nice evolution of sound here for Deana that I think country fans will like,” Lindy adds.

“if you’re a fan of country music of any sort, this album has something for you.”

Vanguard executives think “The Story of My Life” will not only appeal to Carter’s core country fans but also to a broader pop/rock audience.

Senior VP of sales and marketing Dan Sell says Carter has made the rounds of corporate retail offices and country radio to promote this project, but the new twist is that Carter will also be introduced to adult top 40 radio in June via the single “The Girl You Left Me For.”

“Our long-term goal is to really establish Deana at [adult top 40] and tap into that Sheryl Crow/Sarah McLachlan-type audience,” Sell says. “We just really believe from a lifestyle standpoint that that’s going to be really important to cross her over to a more mass-appeal audience.”

On the country side, the setup was helped by a CMT “In the Moment” special on the making of the album and the birth of her son last fall. The special was telecast in December and again during the album’s street week.

Carter, who is booked by Creative Artists Agency and managed by Peters Management Syndicate, plans to tour behind the album. She has dates booked from April through July, including a variety of clubs, festivals and corporate events.

Morgan Brings Indie Broken Bow A No. 1

Every so often, an artist and a label rise up from the indie ranks and surprise the industry with an unexpected success story. Craig Morgan and his label, Broken Bow Records, are the newest poster children for independent achievement.

Morgan’s single, “That’s What I Love About Sunday,” is its second week at No. 1 on the Billboard Hot Country Singles & Tracks chart. It is the first independently distributed single to top the chart in five years. It is also the first No. 1 for both Morgan and BBR.

“My Kind of Livin’,” his second album for the BBR-distributed label, debuted at No. 7 on the Top Country Albums chart last issue with sales of more than 22,000 units, according to Nielsen SoundScan. The project, which Morgan co-produced with Phil O’Donnell, also came at No. 40 on The Billboard 200. It was released March 8.

Additionally, “That’s What I Love About Sunday” is the first independently distributed single to notch a second week at No. 1 since 1997 when the Kendalls spent four weeks at the top with “Heaven’s Just a Sin Away.”

Morgan, a combat veteran who spent 10 years in the Army as a pararescue man and a Ranger before launching his music career, started at a major label. He recorded one album for Atlantic Records in 2000 before that label was folded into Warner Bros.

Now, if he would ever want to go back to the majors, Morgan says only if he could take the whole Broken Bow staff with him. “As long as this staff is here I will always be here,” he vows.

While Morgan says he’s not sure what his success says about the status of independent labels in general, he believes it speaks volumes about Broken Bow in particular. “It’s a competitive market and BBR is competing,” he says.

He praises the label’s staff of industry veterans— several of whom he worked with at Atlantic—and says BBR has “everything that the majors have,” even an in-house publicity department, unusual for an indie. He calls it “the little label with the big staff.”

“If you have great music and you work hard and you believe in what you’re doing and have the key elements a record label is required to have to be successful in this business, you will not fail,” Morgan says.

He lists among those elements a great promotion team and a great distribution partner, and says of BBR, “these guys are working as hard as this at we are.”

The groundwork for Morgan’s success was laid with his previous album, 2003’s “I Love It,” which was No. 1 on the Billboard Top Heatseekers chart and spawned the top 10 single “Almost Home.”

That single, which he wrote with Kerry Kurt Phillips, won Morgan an award from the Nashville Songwriters Assn. International. He co-wrote eight of the songs on the new album. It is Morgan’s writing and his choice of outside songs that have given him a strong identity. With hits like the current single, written by Adam Dorsey and Mark Narmore, and “Almost Home,” Morgan is fast becoming known as a writer and interpreter of highly visual story songs. His label aptly describes him as “an observer of the small, meaningful things in our everyday lives.”

Morgan calls that reputation a “pause” and not “the finish line.” “I’m writing haven’t changed, except they’re getting better,” he says. “I’ve [just] experienced a whole lot of stories in my life.”

The everyday songs are a reflection of Morgan’s gay-next-door persona. An avid hunter who is married with four children, the Nashville-area native now lives in a home complete with camouflage-covered furniture in the family room.

The new album features guest vocalists John Conlee and Brad Paisley, among others. “I Blame Me.” His friendship with both stems from five years of regular appearances at the Grand Ole Opry, where Morgan will soon make his 100th appearance.

One of the album’s singles, an uptempo tracks, “Redneck Yacht Club,” is the next single.

Morgan is currently co-headlining the Guys Night Out Tour with Billy Dean, as well as appearing on some dates with Montgomery Gentry.
### Top Country Albums

**Week Ending April 2, 2005**

**Artists and Albums**

<table>
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<th>No.</th>
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<th>Label</th>
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*Note: Sales data compiled by Nielsen SoundScan.*
ALBUMS
Edited by Michael Paoletta

**POP/ROCK**

**BILLY IDOL**
*Devil's Playground*
**PRODUCER:** KEITH FORSEY
**SANCTUARY** 54735
**RELEASE DATE:** March 22

With the opening cut “Super Overdrive,” Billy Idol declares himself primed for his 10th album around. His first studio album in a decade could be the last chance for this aging punk to stand with his act not beginning some of his early-1980s spotlight or even the notoriety of his Generation X days. Thankfully, nothing here dips to the level of the 10th reinvention attempt “Cyberpunk.” Instead, “Devil’s Playground” attempts to balance his trademarkamped, anthem-endow rock with newer tricks. While less successful aping Nirvana’s soft verse/howling chorus on “Rat Race” and “Scream,” Idol sounds on par with the pop-punk riding the charts on “World Comin’ Down.” And the acoustic, hand-clap love ode “Cherie” is surprisingly heartwarming and “fun.” Unfortunately, “Evil Eye” is dated dance, “Body Snatcher” pure hair metal, the country-esque “Lady Die or Die” head-scratching and “Yellin’ at the Christmas Tree” at best a silly novelty, making the album uneven and ultimately unsatisfying return.—**BAJ**

**KAREN ANN**
*Notita*
**PRODUCER:** KAREN ANN ZEIDEL
**METRO BLUE/BLUE NOTE** 7243 5 63463
**RELEASE DATE:** March 15

Karen Ann lets her folk predisposition roam expansive terrains on “Notita,” a set that tumbles at its own leisurely pace even as the winds shift from reflective wistfulness to darker perilously. Despite those extreme mood swings, the tracks harmoniously bobble alongside each other. The French-sung “Que N’Ai-Je?” and “L’Onde Amerique” are pensive and alluring, with the former’s theme of a stalker pursuing a woman signified by its deblyt built tension. Repetitive vocal refrains in “Greatest You Can Find” render it ponderous; subtle duplication is used to better effect when the singer/songwriter goes Simon & Garfunkel on the title track. “Mi Dia Dans Le Salon de la Duchesse” is flavored with a Western that sounds like the result of a one-night stand that “Mellow Yellow” and “Sea of Love” had in a desert salmon. New York also informs much of the imagery on “Notita.” One example is “Song for Alice,” whose actor/realtor Chloe Gulleet delivers a disquieting requiem for a homeless woman.—**CLF**

**STARRING YOUNG LAD**
*Allen*
**PRODUCER:** DEVIN TOWNSEND
**CENTURY MEDIA** 822728
**RELEASE DATE:** March 22

Strapping Young Lad leader/vocalist Devin Townsend says of “Allen,” the band’s new album: “This record isn’t about anything in particular; it’s just a freakout.” The man is not kidding. By the time second track “Scissors” is over, whoever manages to withstand its battle fire assault will be pulleed again by the next cut, “Shitstorm.” SVL continues pushing brutal metal to the very edge of complete chaos, only withholding slightly on songs like “Love” and “Shine” to let a faint melody slip through. No one probably thought that “Zen” could be achieved with an explosion of machine gun drums, chain saw guitars and furious screams, but the wrath bursting from the song that bears its name will be a nirvana for SVL lovers. Finale “Infodump” is almost 12 minutes of uninteruptible gurglings enveloped in a field of static, sounding like a lost broadcast from space.—**CLF**

**R&B/HIP-HOP**

**TWEET**
*It’s Me Again*
**PRODUCER:** JASON WASHINGTON
**SPANISH GOLD/ATLANTIC** 822728
**RELEASE DATE:** March 22

Tweet’s unmistakable alto and lyrically driven songs were the key attractions on her debut, “Southern Hummingbird.” That album spawned the tongue-in-cheek hit “Oops (Oh My),” whose same talents are in full effect here. However, while her first effort overall carried a darker, somber tone, “It’s Me Again” finds a more self-satisfied and confident Tweet embarking on a new chapter in her life, one where her brighten outlook overrides the bad and moves forward. Various dancellover forays (“Oops” and “Call Me”) are recalled in the playful first single, “Turn Da Lights Off,” featuring Missy Elliott. But it is the soulful, slower-temped numbers that provide the album’s more intriguing moments. Ballad “Cab Ride” effectively weaves in the theme from the TV classic “Taxi,” while “Small Change” stily alludes to the worth of a particular man. Another highlight: “The Two of Us,” where Tweet sings with her teenage daughter.—**GM**

**FRANKIE J**
*The One*
**PRODUCER:** MATT BARBELLIS
**DATE:** March 22

Frankie J’s third solo album may be the charm for this Mexican R&B crooner, thanks to the hit single “Obsession (No Es Amor),” featuring a rap by Baby Bash. An English remake of the track originally recorded by Bachata group Aventura. “Obsession” is sexy but not sexual—tailor-made ear candy. As enticing as it may be, the best tracks on this album are the simplest. “Story of My Life,” set to go, finger snaps and wonderful choruses (all recorded by Frankie J, is mellow and gorgeous, as is “Without You.” Both tracks highlight a versatile voice comfortable in multiple ranges. Save for a smattering of Spanish, Frankie J, who co-wrote most tracks, sounds more Detroit than Mexico, with his interpretation and use of grooves, chords and an unrelenting sense of melody that differentiates him from other R&B artists.—**LC**

**ELECTRONIC**

**PREFUSE 73**
*Surrounded*
**PRODUCER:** JASON WASHINGTON
**WAR 129**
**RELEASE DATE:** March 22

Prefuse 73, aka Scott Herren, creates what qualifies as hip-hop’s second cousin, a mix of glitch and classic breakbeats, filtering them through mutated samples and coming out clean on the other side with vocalists and rappers firmly imbedded in the mix. With 2004’s *P.O.P.* and this year’s unconventional album “One Word Extinguisher,” Prefuse impressed critics with his experimental style and meticulous control. Now, with “Surrounded by Silence,” he gathers a veritable circus of guest artists and lays down atop nearly every track, the headiness of his electronics broken into vignettes of talent showcasing. Cuts like “Now You’re Leaving” (featuring Camus and “Hideaway,” featuring Ghostface & E-Flai) add a vein of weirdness to arresting rhymes, like an academic debate between MCs and the beats that carry them. The album is diverse and slows up where it should. “Surrounded by Silence” is anything but quiet.—**RH**

**LATIN**

**LOCOS POR LUANA**
*Música Pal Pueblo*
**PRODUCER:** JAVIER CASANOVA & BAND*
**DELGADO** LPS
**MP RECORDS** 64 131
**RELEASE DATE:** March 22

Locos Por Juan’s big, fusion, party band reminiscent of Ozomatli—albeit one that also tosses sounds from Miami and the Caribbean into the mix—scores a top step nearly every track. **Evelyn** and “Rat Game” are key tracks on the album. **Locos Por Juan’s** is about dancing, but it also invests in sturdy hooks and (mostly) strong melodies and great grooves. The group loses its drive when it gets sidetracked into reggae. But it pulls off funk in “She Devil” and is brilliant on salsa/rock tracks like “La Noche.” Their cover of “Adios” is also a pleasant surprise. This is a worthy discovery.—**LC**

**JAZZ**

**TED NASH & ODEON**
*La Historia de la Noche*
**PRODUCER:** Matt Ballarisi
**PALMETTO** 2108
**RELEASE DATE:** March 29

Ted Nash achieves that plateau of performances. The album blossoms and improves through a melange of rarely combined styles, including Argentine nuevo tango, Crescent City brass band, sydco, Eastern European klezmer and Western European classical. The CD opens brilliantly as Odeon renders Dizzy Gillespie’s classic “Night in Tunisia” with a New Orleans-styled tuba bass and Astor Piazzolla-like accordion trio. With romance (“Seven for a God”) and joy (the allegro section of “Concerto de Aranjuez”), Odeon links (Continued on page 30)

**CONTRIBUTORS:**

Keith Caufield, Leila Cohen, Gordon Ely, Deborah Evans Price, Rashaan Hall, Katie Haty, Barry A. Jeckell, Jackie McCarthy, Gail Mitchell, Dan Ouellette, Michael Paoletta, Bram Teitelman, Christa L. Tillus, Phillip van Vlecken. ESSENTIALS: Released deemed to editors’ review editors to deserve special attention on the basis of musical merit and/or Billboard chart potential. VITAL REALITIES: Reviewed albums of special artistic, archival and commercial interest and worth noting collections of works by one or more artists. PITCH: New releases predicted to fit the top half of the chart in the corresponding format. CRITIC’S CHOICES: 1: New releases, regardless of chart potential, highly recommended because of their musical merit. All albums commercially available in the United States are eligible. Send album review copies and single review copies to Michael Paoletta (Billboard 770, 3rd Floor, New York, N.Y. 10036) or to the writers in the appropriate bureau.
BLUES

TAB BENJOT
Fever for the Bayou
PRODUCER: Tab Benjot
DATE: March 22
Louisiana blues player Tab Benjot has been prolifically knocking out albums since his 1992 debut disc, “Nice & Warm,” and his rise to prominence has been just as impressive. His latest project, “Fever for the Bayou,” is an ideal representation of where he is and what he does. Benjot’s guitar playing is especially articulate, whether he is assaying Buddy Guy’s hard-hitting slow blues on “I’ll Smell a Rat” or blazoning through his bayou groove on the original tune “Night Train.” He gets up with New Orleans maestro Monk Boudreaux for a tasty cover of the latter’s “Golden Crown” and works Cyril Neville’s “Little Girl Blues” into a tour de force that is a highlight of the record. Benjot’s strong vocalist who possesses a versatile guitar attack. His resourceful chops on that instrument — very much in evidence on “Fever for the Bayou” — provide the constant dynamic that makes his records so potent and unfailingly attractive. — PV

GOSPEL

KURT CARR SINGERS
One Church
PRODUCER: Kurt Carr
LABEL: Gospel Centric
RELEASE DATE: March 22
Kurt Carr and his seven-voice ensemble return from a long hiatus following their near-platinum, 2000 breakthrough “Awesome Wonder.” The artistically trained but overtly streetwise Carr, who wrote 11 of the album’s 12 cuts, takes a bold, risky leap of eclecticism, melding everything from full-blown Sunday foot stomping and smooth pop balladry to funky R&B and chorale anthems. He peppers such musical variety with the distinctly nontraditional gospel sounds of accordions, bongos, saxes and stacks of acoustic guitars. It is a wonder how he holds it all together. As readily accessible as it is original, the album offers strong radio fare (“God Great God,” “Psalm 68: Let Our God Avow Power Praise,” “God Blocked It”), interwoven with dazzling displays of imagination and vision that transport the typically venerable traditions of gospel to new, uncharted and thoroughly mesmerizing terrain. — GE

RISSE REISSUES

FELA KUTI
The Best of Fela Kuti
PRODUCER: Fela Kuti
LABEL: Wrasse
RELEASE DATE: March 22
Nigerian Fela Anikulapo Kuti died in 1997, yet he will always be one of the iconic figures of popular music. Kuti not only made music for the ages; he also did his bit to put African music on the world music map. He invented Afrobeat and worked his groove with a single-mindedness that produced more than 60 albums. His biting political commentary earned him the enmity of the Nigerian government — not to mention numerous meetings — yet his spirit proved as tenacious as the pull of his music. This Wrasse compilation offers 13 of Kuti’s hottest tunes and alternates that number is a mere drop in the ocean from his body of work, this two-CD set rocks furiously. Featured numbers include “Zombie,” “ITT,” “Water No Get Enemy,” “Shakara,” “Sorrow Tears and Blood” and “D.D.O.O.” The three-disc set is a DV version of the 1982 Kuti documentary “El Yee, The Magic Weapon,” which includes a memorable visit to the storied Shrine nightclub in Lagos, Nigeria. — PV

DVD

NIRVANA
NEVERMIND: CLASSIC ALBUM
Eagle Rock Entertainment
RELEASE DATE: March 22
Near the beginning of the documentary “Nextemind: Classic Album,” former DGC A&R exec Gary Gersh summarizes the restlessness of the early 90s: “It is rare that one generation of people that were waiting to have something to follow.” Enter Kurt Cobain, who inadvertently popularized punk rock by giving it a melodic backbone and a catchy chorus. Cobain is no longer with us, of course, but he was the epitome of the Goo Goo Dolls’ apocalyptic wish that if the world could retreat into a void of self-obsessed pop music, he would be its light. Cobain didn’t have that vision, and in this 45-minute film, they offer much insight into his old band and the record that launched rock. When the first disc of Nirvana’s early years quickly and deftly, then gets to the heart of the story with Grohls, Novoselic and producer Butch Vig detailing their “Nevermind” sessions, track by track. Cobain appears only briefly in some obscure interview footage, but the viewer comes away with a strong sense of why this may have been the happiest period of his life. Four bonus segments from the filmmakers have done their research. Most impressively, they track down a now-teenage Spencer Elden, who doesn’t remember his part in the “Nevermind” saga. It was Elden’s photo, as a newborn, that graced the album’s cover. — JM

SINGLES

Edited by Michael Paolletta

POP

AMEERI
1 Thing (3:55)
PRODUCER: Rich Harrison
WRITERS: A. Rogers, R. Harrison, S. Walden
LABELS: various
RELEASE: Columbia CK 93667 (CD promo)
Annie is an R&B/hip-hop on her hits with the house-uplifting “1 Thing.” And now it’s razing up The Billboard Hot 100. Produced by the uber hot Rich Harrison (Jennifer Lopez’s “Get Right”), Beyoncé Featur- ing Jay-Z’s “Crazy in Love.” Destiny’s Child Featuring T.I. & Lil Wayne “Soldier,” the song — called from the “Hitch” soundrack — is propelled by a sample from the “Moments” of “Calcutta.” Except for the odd guitar chord, it’s just a little too sprightly and missing. Guess what? She has the time of her life riding the frenetic rhythm. The artist’s second single, “Touch,” arrives April 26. — TP

R&B/HIP-HOP

STEVIE WONDER
What the Fuss (4:13)
PRODUCER: Stevie Wonder
WRITERS: S. Wonder
LABEL: DGC
RELEASE: Columbia CK211425 (CD promo)
Stevie Wonder made his debut on a long-awaited return with this retro-fitted funk number. Calling to mind the falsetto days of Paul & Pyramid’s “Pick Up the Pieces (On the Down Stroke),” George Duke (“Reach for It”) and the Wonderman himself (“You Haven’t Done Nothing”), the Motown legend hits the ground running, and proves why he should be counted out. Providing pleasing support are comeback kid Prince and the missin- g piece of the puzzle. The song wins in the end. Already No. 24 at active rock, modern won’t forget to follow suit. The band is currently headlining a world tour that is cross-coding the United States. — TP

AUDIOLAVE
Be Yourself (4:38)
PRODUCER: Rick Rubin
WRITERS: various
LABELS: Disappearing One Music (ASAP); LV58/EMI
RELEASE: Interscope INTR-1399 (CD promo)
The union of former Soundgarden frontman Chris Cornell and the instrumentalists of Rage Against the Machine was a commercial success, netting the band a double-platinum debut album and an impressive live top 10 rock single. Listening to “Be Yourself” from the act’s still-unreleased second album, it is obvious that Audiolave took the “if it ain’t broke, don’t fix it” attitude. Produced once again by Rick Rubin, the song is pleasant enough, but doesn’t make up for the fact that it sounds like a B-side from the band’s self-titled debut. There are subtle touches that differentiate “Be Yourself” from anything on that set: Tom Morello’s guitar intro, the sound of the piano, the production and melody to “Like a Stone.” “Be Yourself” never really takes off. Still, with rock radio starring for marquee acts, the format has eagerly embraced the song. Here’s hoping the rest of the record is more inspired. — TP

COUNTRY

ALAN JACKSON
The Taliban Song (2:51)
PRODUCER: Keith Stegall
WRITER: D. Linde
LABELS: EMI Blackwood Music; Rising Note Music
ARTIST: AEB-68850 (CD promo)
Alan Jackson is well-known not only for great music, but for his love of family and appreciation for automobiles (previously demonstrated on such hits as “Mercy Blues” and “Drive”). Which is precisely why this cleverly written single by Dave Linde is such a perfect fit. The song finds Jack- son dealing with a shady mechanic who begins recieving a long list of car repair troubles that ends with an $800 bill. When the mechanic turns out to be an aspiring songwriter, Jackson has a chance to exact a little justice, by working on his song. This single boasts some of Linde’s most inventive lyrics, and Jackson delivers each line with a tongue-in-cheek attitude that is sure to elicit smiles. Between his personality-packed performance and a radio-ready chorus that blockbuster “Taliban Song” sounds like another hit for this veteran chart-topper. One more reason to pick up a copy of Jackson’s excellent album, “That’s Where It’s At.” — DEP

NIKE NINE NAILS
The Hand That Feeds (2:51)
PRODUCER: Trent Reznor, Al Moulder
WRITER: T. Reznor
LABEL: Reprise
RELEASE: Interscope IR-11381 (CD promo)
This first glimpse of Nine Inch Nails’ new CD, “With Teeth,” is one of the most straight-forward rock songs the band has recorded. Anchored by a simple guitar riff and Trent Reznor’s un日消息可.Value, “The Hand That Feeds” is poised to become the biggest single of NIN’s career. Sure, some purists will claim that it is too commercial. But this will be suppled by new fans that may have been in diapers during the band’s early–to mid-90s heyday. Expect big things from “With Teeth.” dye in May. — BT

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Home Video Studios Seek Titles With Niche Allure

BY JILL KIPNIS

LOS ANGELES — The recipe for acquiring product in the home video industry goes something like this: one part research, one part market opportunity and one part complete luck.

Most studios say that rather than hopping onto a current trend like, say, poker or yoga titles, they seek to target underserved niche audiences.

Mark Ward, VP of acquisitions and product development for Anchor Bay Entertainment, says, “There’s definitely a rhyme [and] reason to acquisition strategy. It all leads to research. We spend multiple hours reviewing sales in the industry to see what’s selling. If we can spot something early, we’ll get it out there. We might take a gamble.”

Ellen Pittleman, senior VP of worldwide acquisitions for Paramount Home Entertainment, agrees. “We try to create our own trends,” she says. “One of the things we do is we look at the market annually to see where the growth areas are and where some areas have fallen off. We target market segments where we feel there is great opportunity.”

Some of the genres that have benefited from early leaps of faith include comedy, TV, urban and action sports/lifestyle, all areas that were largely nonexistent at retail as recently as five years ago.

MARKET OPPORTUNITIES

One of the determining factors in deciding to make an acquisition is what will be happening in the marketplace during the coming year. This can include analyzing the theatrical films being released and whether a historical event or figure has an important anniversary.

McQueen’s “Wanted: Dead or Alive” TV series June 7 to take advantage of the 75th anniversary of the star’s birth.

Pittleman says holding a release until the right opportunity presents itself is smart strategy. Paramount recently acquired the Michael Jackson documentary “Man in the Mirror,” for example, and specifically held its release until the singer’s current trial began.

Studies can also get lucky when market factors renew sales interest in a recent release.

Last year, Ventura Entertainment released the C/D/DVD set “Ray Charles Celebrates: A Gospel Christmas With Voices of Jubilation,” which later experienced increased sales after the singer’s death and the release of the theatrical film “Ray.”

“It’s a title that ended up surprising us,” Ventura president Craig Sussman says. “It demonstrates that through life events, you can’t always forecast or predict what will do well.”

FINDING AUDIENCES

When studios do lock on to what they feel is a potentially strong acquisition, the key becomes creating a marketing campaign that is truly targeted. Rather than formulating blanket campaigns, like most theatrical DVD releases have, studios must narrow their focus to reap the most reward.

“We acquire product that we feel has an audience that can be readily reached,” says Steve Feldstein, senior VP of marketing communications for Twentieth Century Fox Home Entertainment. “We don’t expect to employ the kind of marketing strategies on a big theatrical release to reach that audience. It’s a mix of grass-roots direct marketing and common sense.”

Sony Taps Radio To Power Up PSP

Five Days of Shows On Modern Rock Stations Plug New Game Platform

BY ANTONY BRUNO

Sony Computer Entertainment America is tapping the radio airwaves in what it calls a lifestyle marketing campaign to promote the new PlayStation Portable handheld entertainment system.

For five days beginning March 28, the company will broadcast a hourlong program, “PSP Radio,” during drive time in cities that include New York, Los Angeles, Seattle, Philadelphia and San Francisco. The show will feature PSP-themed original programming hosted by Corson Daly.

Daly will interview such game celebrities as Tony Hawk and moderate a call-in show from game developers to discuss the PSP platform and titles. Additional topics include movies, fashion and music. Sony has exclusively targeted modern rock stations for the program, including KBBD/KDKL (Indie 103.1) Los Angeles and WNYK (K-Rock) New York, citing those listeners as the primary PSP demographic.

The show will include several breaks for music and commercials.

According to a representative, Sony did not want to create an hourlong infomercial, but rather an immersive experience for fans interested in the PSP, with a mix of music, interviews and caller interaction. “We wanted it to be more like a lifestyle event,” the representative says.

Daly joined SCEA president/CEO Kaz Hirai for a March 23 midnight opening of New York’s Sony Style Store, where the first PSP devices were sold in the United States.
SXSW Panelists Debate Indie-Major Pacts

As a consolidated major-label system looks for more efficient means of developing new talent, the 2005 edition of the South by Southwest Music Conference saw a strengthening independent community both skeptical and proud of increased attention from the majors.

Nearl all of the buzzed-about acts—M.I.A., Maximo Park, the Go! Team—have indie roots, and the festival's prime-time Saturday-night slots belonged largely to indie-label acts. Afternoon panels were dominated by discussion of the ways majors are looking to work more closely with indies. The practice of "upstreaming"—in which an indie label has an agreement with a major to move its successful acts to the larger corporation—cropped up numerous times and inspired much debate.

At an A&R discussion on the afternoon of March 19, the major-label panelists stressed the value of the indies. Interscope A&R executive Luke Wood noted that he counted such acts as Elliott Smith and Jimmy Eat World for years before signing them, letting the indies handle the more difficult task of finding an initial audience.

Yet, during the past 10 years, the indies have become better at reaching their audience and at taking their artists to new sales heights. The majors are eager to tap into that success. As the majors look more frequently at licensing agreements, joint ventures and upstreaming deals, the indies are finding themselves with more options to produce.

While some liked indies with upstreaming deals to boutique film distributors like Miramax and New Line, MTV president Steve Goldtlight warned against getting in bed with a major.

"Upstreaming and joint ventures are like mushrooms," he said, adding, "they come and they go." The few success stories, Goldtlight added, are the "great exceptions," arguing that indies that do not have to worry about a major label will be allowed greater freedom to pursue their audiences. Alan Becker, senior VP of product development for RED Distribution, hinted that even when upstreaming works, it can be a less than ideal situation for at least one of the parties involved. At an indie distribution panel, he brought up the oft-cited example of Or Music's success with Los Lonely Boys, whose self-titled album shifted from RED to Epic.

"All things considered, I think Or would have liked to have kept that [Los Lonely Boys] record and seen how far they could have gone with it," he said. "But at the same time, could Or say that everything Epic did with radio?"

Maybe not now, but soon, a number of indie-label heads responded. While hiring a radio promoter for any length of time remains beyond the budget of many indies, Bright Eyes, M.I.A., Shadows Fall, the Postal Service and Craig Morgan, among others, all managed to get some radio play without the benefit of a major label. It may not be much, but it is a glimmer of hope.

With the majors tightening their marketing budgets, indies are starting to at least have a fighting chance of being heard. Additionally, the emergence of on-demand technology like podcasting, which allows listeners to download playlists or prerecorded shows from a Web site to a portable MP3 player, feeds into the indie mind-set that has made the Internet so valuable to under-ground labels.

When New York Times writer Jon Pareles asked the A&R panelists why a successful indie act should join a major, they quoted the company lines about international distribution and easier access to radio and MTV. It is an advantage, to be sure, but one that carried much more power in the pre-iPod era.

To that end, digital distribution will start to play a more prominent role, said Michael Cornette, product development director for Navarre. He cautioned, however, that the major online sellers will likely go the way of traditional retailers and will be less interested in taking on new suppliers.

Yet four days of this business talk was starting to take the fun out of SXSW. Panelists of all variety bemoaned that any label counting on radio or retail will be in trouble, underscoring that it all comes down to the quality of a label's roster, or at least it should. SXSW is full of believers, as impossible lines greeted everyone from the overhyped rock act Bloc Party to the little-known Menomena, whose members impressively swap instruments to construct loop-based indie pop live onstage. Big-shot A&R execs may have swooped around the Go! Team and U.S.E. (a Scissors Sisters-like blast of retro dance), but in the coming weeks the hype will die down for most of these acts. Tony Wilson, founder of legendary U.K. indie Factory Records and the new F4 label, offered these parting words at a panel: "If you think you're an interesting hand, don't [sign with a major]."

AAIMING FOR A LAUNCH: An organization that could aid in the indie's struggle is on the verge of announcing a leader. Beggars Group CEO Lesley Bleakley said at a SXSW panel, Bleakley, a co-founder of the American Assn. of Independent Music, said, "We're in the middle of our search looking for someone to run it. We're looking to name someone very soon."

The Indies

By Todd Martens
	
tmartens@billboard.com

Home Video

Continued from page 31

"There's a very definitive audience for it that's more of a psychographic, rather than a demographic," Fidler says. "The first time you go after a particular audience, you're learning. The learning is invaluable."

A primary way to locate that audience is through the Internet.

Anchor Bay's Ward says the Web is "a free research tool that lets us find out what fans are talking about. We try to cater to that cult fan."

Recent cult releases from Anchor Bay include "The Greatest American Hero—Season One" and seasons one and two of "21 Jump Street."

Library Building

Studios are not always looking to hit it big with an individual acquisition. Instead, an eye on long-term catalog offerings can be just as important.

"We don't do much that is really driven by titles that will sell out the door," says Marie Therese Guirgis, head of acquisitions for Wellspring, a division of American Vantage Media. "Part of our mission is to acquire films and programs that will have a long life. We're building a library."

For Wellspring, though, the ultimate goal is to take advantage of market opportunities while also keeping focused on the long term.

For example, the company released "Under the Sand," which stars Charlotte Rampling, an actress who reached the height of her popularity in the 1970s.

"This movie was her big comeback. She hadn't been in a movie for 20 years," Guirgis says. "We knew she would get a lot of publicity because of this, but it is also something key for our library and core customers."

As the market for all kinds of DVDs has expanded along-side the growth in player penetration, acquisitions strategies will only become more important. Customers will be more diverse and will be looking for more than the next big-budget theatrical DVD.

"It's an extremely competitive landscape," Paramount's Pittiman notes. "We'll have to think about how to refresh opportunities."
Handleman Gets Ready For A Trip To ‘Tommyland’

Handleman Co. could be entering a whole new realm with its deal as the exclusive distributor of the upcoming Tommy Lee album, “Tommyland: The Ride.” The Troy, Mich.-based company has earned its stripes as a record distributor, and now it appears to be expanding its reach. Lee’s manager, Carl Stuhmker, CEO of Sanctuary Artist Management, says the company sees the potential in the indie distribution sector.

Lee himself says they can see doing more deals with celebrity acts. “We have already gotten plenty of questions about what we are doing and how does the model work,” Handleman director of product planning Paul Ignasinski says. This kind of deal could work with “brand-name artists,” who don’t need some services that the major labels provide, he explains.

To be sure, there is plenty of sizzle behind “Tommyland,” says Kevin Day, proprietor of Rocket Science, a retail marketing company. Handleman hired to work the album. Lee is playing to sold-out arenas on the current Midway Crie reunion tour; his “Tommyland” autobiography has made the New York Times best-seller list and has an NBC series, “Tommy Goes to College,” starting this fall.

The album is expected in late July or early August, when a yet-to-be-decided rock tour will be worked to radio. The “Tommy Goes to College” theme song, “Good Times,” is slated to be promoted by pop radio when the show hits the air, Stuhmker reports.

The album features guest performances by Chad Kroeger of Nickelback, Carl Bell of Fuel, Deryck Whibley of Sum 41, Butch Walker, Joel Madden of Good Charlotte and Nick Carter of Backstreet Boys.

Lee’s music will be featured in the TV show, which provides a great vehicle to launch the album, Stuhmker notes. The prime-time exposure means “I can market this myself, and we can put it out ourselves,” he says. “It allows us to cut away the fat.”

The Handleman deal allows Lee to make more money than he would with a traditional label agreement, Stuhmker adds. It is an even more lucrative deal for Lee than the joint-venture deals for which Sanctuary is known, he says, and it keeps the album affordable at retail.

Indeed, Handleman senior VP of product management and logistics Ron Lund says the company’s infrastructure allows it to set lower prices than most labels can for front-line releases and still provide “a pretty big margin to retail that could ultimately go through to the consumer.”

In fact, sources suggest Handleman will not show price favoritism with the Lee album, charging all accounts less than $8.

The company also seems to be sensitive to the other big retail issue of the day: it will make “Tommyland” available to every account at the same time, with no extra content for anyone.

AUSTIN TIME: Last week, I took a vacation to the South by Southwest Music Conference in Austin. In addition to catching plenty of great music, I managed to attend a couple of panels. Interestingly enough, two panels covered the same topic but from different angles.

In the label heads panel, moderated by The Hollywood Reporter’s Chris Morris, the discussion eventually worked itself to the digital model and the future of brick-and-mortar retail. Hollywood Records senior VP of sales and marketing Abbey Kornwirth said, “While the business is not fixed, what is different is that the labels have acknowledged that the consumer’s buying habits have changed, and the bright spot is every label and its distributor are trying to figure out ways to address that change.”

But even as that happens, it is clear that digital is going to become more important, so retail has to figure out how to deal with it, and we should support them,” Columbia Records president Steve Greenberg said.

Yet retail also needs to help itself, Island president Steve Bartels noted. “Retail in the U.K. is so completely vibrant [now], and we don’t see that energy level duplicated here in the U.S.,” he said.

Bartels cited California’s Amoeba Music as a retailer that more U.S. merchants should emulate. The selection in its three stores blows people away, the employees are passionate about all kinds of music, and the energy level makes it a destination. Bartels said.

Greenberg, however, believes there is room for different kinds of merchants. “Wal-Mart and Amoeba are different, but both are important…and both serve a function,” he said.

He pointed out that on any given day millions of people who didn’t intend to buy music did so because they went shopping at Wal-Mart.

Indie merchants at the panel titled “The Indie Store and Its Future” saw things differently. “Everyone assumes that digital downloads are a predator to record stores,” said Eric Levin, owner of Criminal Records and president of the American Independent Music Stores coalition. In fact, Levin said, the Internet merely helps his customers become more informed consumers.

The predators, Waterloo Records president John Kunz said, are big-box merchants that sell music as a loss leader so they can sell more dog food. If you accept the data, the Austin merchant added, the big boxes hurt labels as much as they help them, while a good indie merchant can still compete.

“The big boxes sell a lot of hits, but instead of the second and third purchase being in music, it is in dog food or rakes,” Kunz said. “Best Buy, Target and Wal-Mart represent 50% of all music sales in the United States, and when you look at what they stock in music, it’s a sad state of affairs.”

Kunz is not too worried about loss-leaders. “I don’t do price matching,” he said. “When the big boxes do customer service matching or selection matching, maybe [indie] stores will have to consider it.”

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Digital Entertainment

Video Gets The Call As Next Big Mobile Thing

By Antony Bruno

As multimedia-capable mobile devices and high-bandwidth wireless networks become more widely available in the coming months, subscribers can expect an onslaught of content and applications.

Leading the charge is mobile video, which is expected to generate revenue at a rate that could put it on par with mobile music by the end of the decade and seriously challenge the music industry's mobile content dominance.

The buzz over mobile video has kicked into high gear. At the recent CTIA Wireless show, operators pointed to video content as the likely force to drive subscribers toward next-generation networks.

"In terms of hype meter, it's 65% video, 35% music right now," says Paul Redick, VP of business development and planning for Sprint.

Andrew Cole, VP and media practice leader at consulting company A.T. Kearney, believes that video and mobile TV services will take the multimedia consumption in both usage and revenue by the end of the decade.

"Mobile TV is more pervasive across a much broader user segment and age group," he says, pointing to a potential $30 billion market for mobile video in the United States alone by 2009. "In our opinion, mobile TV will be the second- or third-biggest mobile application after voice and messaging. We think it's a massive application."

Cole places music as the likely next biggest category, and says that in many cases, the music and video applications will blend together, much as they do today.

In fact, the first significant steps into mobile video have been with music-related applications. Sprint recently introduced several such offerings, including the first video ringer offered by a major carrier.

Sprint's mobile video service enables Sony's mm-5600 cell phone to display a clip from the video for 'She Will Be Loved' by Maroon 5.

Like most mobile phone manufacturers, Kyocera Wireless is aggressively targeting the wireless content market, but is doing so with a line of accessories designed to enhance the mobile entertainment experience.

The company's Gamepad is a controller similar to that of existing consoles, but smaller. It features a mobile phone docking cradle. Once connected, users can play videogames stored on the mobile phone using the more flexible and familiar interface of the controller rather than the buttons on the phone.

No. 8: Green Day rides the largest increase on the chart to return to the top 10 with 'Boulevard of Broken Dreams.' It is more than tripled in downloads from last week.

April 2, 2005

HOT Billboard RINGTONES

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No. 9: Enlele

Based on data compiled by Nielsen Mobile

No. 10: Boulevard of Broken Dreams

Music 'Eye'-D

Moby offers a new service allowing mobile users to purchase a ringtone by simply taking a picture of a CD cover with their cameraphone. The user sends the picture by wireless messaging to Moby and receives a link to a site where they can buy the ringtone, and eventually the complete track.

Several music ID services use audio matching technology to identify songs heard over the radio by holding the phone near the music source. Moby's visual matching technology, which so far has relied on special formatting in print advertisements to allow readers to request more information via the cameraphone.

Moby says the service does not require any changes or special formatting of the CD cover.
Bollywood Dream: Old Songs, New Hit

BY JIM BESSMAN

Songs and songwriters are as much the hook in Bollywood cinema as actors and directors. Last year’s award-winning “Veer-Zaara,” in fact, played up the songs by the late Madan Mohan way above esteemed director Yash Chopra and a spectacular cast including male superstars Amitabh Bachchan and Shahrukh Khan and top actresses Preity Zinta and Rani Mukerji.

“Veer-Zaara,” which was named best film at the prestigious Filmfare Awards in February in Mumbai, India, is now available on DVD. But the story of the soundtrack is as powerful a saga as the inspirational love tale at the heart of “Veer-Zaara.”

Indeed, the soundtrack was a huge success even before the film was released. It is so unusual that it engendered a new companion CD, “The Making of the Music,” featuring commentaries by Chopra and legendary film music diva Lata Mangeshkar—along with decades-old demons by Mohan himself.

The previously unreleased compositions by Mohan, who died in 1975, were discovered by his son Sanjeev Kohli, now CEO of Chopra’s Yashraj Films.

“His father started a companionship in 1968 and were never used for want of an appropriate film. What a waste of such melodies! So I fantasized: What if I could have these tunes recorded—and they could be a part of a new hit film?”

Kohli pursued an education in management but landed in the music business in Mumbai after all. Following a five-year stint as A&R manager at Polydor, he served 10 years at EMI as marketing and A&R VP (including three years in London). He produced all of Mangeskhar’s films at the time—he being his father’s main female voice and muse.

This, however, was in the 1980s and 1990s, when popular music in India was absorbing Western influences.

“I found no time to fulfill my dream, and if I ever thought of it, wondered if my father’s tunes would be ‘old-fashioned’ today,” Kohli concedes.

Then, in 1995 he joined Yashraj Films, India’s most successful entertainment company. In 1997 he brought in Uttam Singh to compose the score to Chopra’s “Dil to Pagal Hai,” which became a huge-selling soundtrack. In 2003, Yash Chopra decided to direct a film that needed ‘old-world music’—away from the Western influences.

Kohli says, “Music that had a strong melody line, with acoustic instruments—music like that of the ‘60s and ‘70s. Instinctively, I started to think that I had some old-world melodies on tape, not heard for 28 years.”

Using only three musicians, Kohli spent three months recording demos of 33 of his father’s unheard songs.

“All through my career, I had been passing judgment on singers and composers as a powerful A&R person and album producer. Now my father and I were on test to see if his melodies were relevant in today’s times,” Kohli says. Incredibly, Chopra and his son Aditya Chopra, who wrote “Veer-Zaara” screenplay, chose 10 of the songs, and informed Kohli that they wanted to retain the organic sound of the demos.

“It was unbelievable,” Kohli says. “Such a big film’s score with the biggest producer and director of India and with the biggest star cast assembled in recent years—on my slender shoulders.”

But Kohli took on the challenge “as if some divine force was guiding me,” he says. He even cajoled Mangeshkar, now semi-retired at 75, to reprise her role as his father’s star singer.

“It was daunting,” he says, “but I kept on, employing his trademark sitar and string arrangements as much as the screenplay permitted. But I had to remember that this was not a tribute to Madan Mohan but the soundtrack of a film traversing 22 years over two diverse cultures.

“‘Veer-Zaara’ was a fulsome film, and through this entire endeavor I have rediscovered my father—as well as some of what I inherited from him—and I know I didn’t let him down: I saw his name up there on billboards at the Empire in Leicester Square and at the Loonies on Broadway. What more could a son ask for?”

‘Stateless Peoples’ Find A Musical Home

Readers of this column understand better than most the fundamental importance of words and music in our lives. So, too, does Maria Krupoves, the internationally acclaimed singer/folklorist, who teaches at the Center for Stateless Cultures at Vilnius University in Lithuania, has just released “Without a Country: Songs of Stateless Peoples.” The disc (which follows her fully orchestrated “Songs of the Vilna Ghetto”) features her trio: her vocal and guitar work backed by New York klezmer mandolinist Joey Weisenberg and bassist Travis DiRuzza.

“These cultures belong to the weakest minorities, but they were still able to create new philosophical systems, mystical movements and, of course, songs,” says Krupoves, who recently fronted her trio at New York’s Village Vanguard prior to returning to Lithuania. Such songs, she notes, naturally tend to express “hope beyond hope, and longing for some place of rest as well.”

Also naturally, songs of stateless peoples are little known outside of Stateless communities.

Some I heard on CDs. Some I took from publications, like the Yiddish Hasidic song "Fun Kose," from Yosel and Chana Miotek’s "Pearls of Yiddish Song." Some I found from other folk singers or folklorists. Krupoves says, "The Crimea Tatar song "Gazel Khirim" I found in the archive of Lithuanian Radio, from an interview of the author, the Muslim mulit Nuriy Musiayev.

Besides "cultural and humanitarian reasons," Krupoves selected the songs "first of all for their beauty and powerful meaning, and also for my deep emotional attachment for some of these cultures—especially Jewish and Belarusian. When I sing them I feel as if I belonged to these cultures and share their destiny.”

Krupoves, who sings in 15 languages, is now preparing a program of songs in Ladino, the Spanish Jewish dialect dating from the Middle Ages. "It’s as if she was born into these cultures," says Moishe Rosenfeld, who books Krupoves out of his Golden Land Concerts & Connections. "To me she’s one of the brightest and most charismatic folk singers."

THE SAMMY GOES TO LES: Legendary guitarist/inventor Les Paul will receive the Songwriters Hall of Fame’s Sammy Cahn Lifetime Achievement Award at the organization’s 2005 awards dinner, slated for June 9 at the Marriott Marquis Hotel in New York. The date is also Paul’s 90th birthday.

GOVERNOR KINKSTER? Kinky Friedman was in town to promote his latest murder mystery, "Ten Little New Yorkers." It might be his last if he is successful in his left-field candidacy for governor of Texas. One can only hope. After a triumphant appearance on "The O’Reilly Factor," the Kinkster, once known for politically incorrect song fare like "They Ain’t Making Jews Like Jesus Anymore," is acclaimed that his campaign’s theme will be Billy Joe Shaver’s uplifting "Try and Try Again," being revised by Shaver and Willie Nelson.

"Nelson, incidentally, serves as candidate Friedman’s energy adviser, thanks to his marketing of clean-burning biodiesel fuel (made from vegetable oils) to truck stops. Friedman said that if elected, he will appoint Asleep at the Wheel’s Ray Benson minister of culture and none other than songwriter/producer Steven Frunzhol to administer parks and wildlife. "Musicians can much better run the state than politicians," Friedman says. "We probably won’t get much done in the morning, but we’re more soulful and honest— and less corrupt."
Who Needs Gold Discs?

Japanese Industry Ponders Impact of Awards Show

BY STEVE McCLURE

TOKYO—The Japanese industry is evaluating the impact of this year’s Gold Disc Awards show, which honors the country’s top-selling releases. Label and retail executives contend that the March 10 ceremony was artistically credible but, as in previous years, did not pack the promotional punch of similar shows in other countries.

“The Gold Disc Awards don’t have a big impact on retail sales, and the show is much more low-profile than the Grammys and the Brits,” HMV Japan product and marketing director Pete Chapman says. “We have made an effort to promote this year’s Gold Disc compilation, distributed by Universal, but sales so far have been disappointing.”


The Recording Industry Assn. of Japan organizes the awards, which are based on net shipments during the preceding calendar year.

This year’s event was held at Tokyo’s NHK Hall before 3,000 people. One-third of the audience were industry and media representatives; the remainder were consumers who had applied for free tickets through artists’ fan clubs.

An RIAJ spokesman admits that the awards have little sales impact for big-name acts but says they are a useful promotional tool in specialized genres such as jazz, classical and enka (traditional Japanese ballads).

Orange Range was this year’s big winner. The Okinawabased pop-rock band was named domestic artist of the year on the strength of shipments of 4.6 million units (albums and singles). The band, which made its major-label debut in November 2003 in Sony Music, also had two titles among the 10 that were named domestic songs of the year: “Locolotion” and “Hana.” Another big winner, Avex female vocalist Ayumi Hamasaki, also had two: “Inspire” and “Moments.”

Queen won international artist of the year, thanks to shipments of 1.8 million units, mainly of the Japan-only hits compilation “Jewels” (Toshiba-EMI).

In the category of best new domestic artist, the 10 winners included female singers Beni Arashino (Avex) and Tia (Epic Records Japan) and male vocalist Takeshi Kitayama (Teichiku Entertainment). The five winners for best new international artist included Ashlee Simpson (Universal Music) and Kevin Lyttle (Warner Music).

The Gold Disc ceremony was broadcast live nationwide on NHK satellite TV; ratings were not available. The show was rebroadcast March 18 on NHK terrestrial TV, scoring an average 3.3% of the audience in the key Tokyo, Osaka and Nagoya areas, according to the RIAJ. This compares (Continued on page 51)
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<th>JAPAN</th>
<th>UNITED KINGDOM</th>
<th>FRANCE</th>
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Minogue To Close Tour At Glastonbury

Shortly before Kylie Minogue’s sold-out world tour kicked off, March 19 in Glasgow, Scotland, EMI in the United Kingdom confirmed that the Australian pop star would headline the final night (June 26) of this year’s Glastonbury Festival.

The Glastonbury date will close Minogue’s Showgirl tour, which includes 23 nights at four U.K. venues. Excluding Glastonbury—which is expected to attract 150,000 people this year, organizers say—Minogue will play to 360,000 fans in the United Kingdom and Ireland and 400,000 in continental Europe, Asia and Australia.

In a statement, Minogue calls Showgirl “a celebration of pop songs and of my career, but also of a long-term relationship with my audience.”

The U.K. and European shows are promoted by London-based 3A; the Asian and Australian dates by Melbourne, Australia-based Frontier Touring.

**GREATST GAINERS:**

French chanteuse Jeanne Cherhal and Malian duo Amadou & Mariam have notched chart gains following the March 5 Vérités de la Musique honors in France (Billboard, March 19). Cherhal was named best up-and-coming artist, and Amadou & Mariam won for world music/raga/reggae album.

Cherhal’s album “Douce Fois Par Art” (Tot ou Tard) jumped 52-12 on the SNEP/Pop/Tite live sales chart March 12. Amadou & Mariam’s “Un Drame à Barakou” (Because) moved 97-22.

Other albums benefiting from Victoires wins include veteran chanteuse Françoise Hardy’s “Dans les Choses” (Virgin), R&B singer Naija’s “(169)” (Bakata) and Belgian rocker Amine’s “Drame à Barakou” (Because).

The November 2003 release “Qui de Nous Nous” (Delable) by pop artist M, who won four Victoires, failed to re-enter the chart. Delable says the album has shipped more than 500,000 units.

**FLOATING BACK:**

The return of German pop-rock vocalist Nena to the top of the Media Control singles chart March 9 with “Liebe Ist” set up the March 21 release of her album “Wirst Du Mit Mir Gehr” (Warner Strategic Marketing) in Germany, Switzerland and Austria.

Nena is best known internationally for fronting the band of the same name on the 1983 hit “99 Luftballons” (Epic), which reached No. 1 in the United Kingdom and No. 2 on The Billboard Hot 100 in the United States. The band split in 1987; since then, Nena has recorded prolifically as a solo artist for Sony, Polydor and Warner, her label since 2001.

**AFRICAN PLATINUM:**

Vocalist Thankiswa Mazwai dominated the March 15 nominations for the 11th annual MTN South African Music Awards. The Gallo Record Co. singer/songwriter was nominated in four categories, including artist of the year.

The awards will take place April 15-16 at Sun City, outside Johannesburg. The winners in the various categories are decided by public vote, a media/industry panel or sales data.

Johannesburg-based Gallo, which released Mazwai’s album “Zabalaza” in April 2004, says domestic shipments are just short of platinum (50,000). Gallo reports that several international labels are interested in the album, which has been praised for its Afrocentric approach to urban music.

Mazwai is a member of Afro-pop trio Bongo Maffin, which is signed to Johannesburg-based indie Kalawa Jazzmee.
**Aussie Rights Fee Battles Heat Up**

**BY CHRISTIE ELEZER**

SYDNEY—Australian collecting societies are facing new challenges in their battle to raise licensing fees to the levels enjoyed by their overseas counterparts.

For years, the Phonographic Performance Co. of Australia has engaged the commercial radio sector, while the Australasian Performing Right Assn. has been attempting to eke more money out of the country’s cinema operators.

The PPCA, which represents labels and artists, has been lobbying legislators since 1980 for the removal of a statutory cap on performing rights fees of 1% of a broadcaster’s gross income.

Stuart Waters, CEO of Brisbane-based trade body Australian Independent Record Labels, says his members back the PPCAs efforts.

“The current cap is outdated,” he says, “and is totally out of step with our international counterparts.”

In 2001, the government decided against removing the cap. But after further lobbying from the music industry, Attorney General Philip Ruddock announced in February that the cap would be reviewed and called on all interested parties to make submissions on the issue by the middle of this month.

No date was set for the review, but a PPCA source suggests it will take place by the end of the year.

The cap was introduced in 1969 under the 1968 Copyright Act. PPCA chief executive Stephen Peach argues that the radio industry no longer needs the protection it required 36 years ago.

Peach says trade body Commercial Radio Australia paid $2.7 million Australian ($2.14 million) to the PPCA last year. According to the CRA, 2004 advertising revenue for its members’ metropolitan stations alone was $550 million ($435 million). The body does not release revenue figures from all its members.

The amount paid to the PPCA last year represented 0.49% of the metro- politan stations’ advertising revenue. Watters says that percentage pales in comparison to other mature markets, where societies receive “anywhere between 2% and 4.5% returns on broadcasting licenses.”

Sydney-based entertainment lawyer/ radio analyst, Aki Malik estimates that two-thirds of stations in Australia rely heavily on music for content. “The license rate should be determined by market forces,” he suggests.

The major players in the CRA include Clear Channel, Britain’s Daily Mail Group and Sydney-based Austereo.

Calls to the CRA were not returned. The radio group’s previously stated position has been that any rise in fees would disrupt an industry that is already in flux, as recent arrivals like Daily Mail Group take ad revenue and market share from existing players. The CRA has also said that labels continuously ignore the impact radio has on CD purchases (Billboard, May 15, 2004).

**Making Moves at the Movies**

Sydney-based authors body APRA has been in dispute since the early 1990s with domestic cinema operators, represented by the Australian Entertainment Industry Assn.

APRA wants to increase the blanket licensing rate that national movie chains and independent theaters pay for the use of music in films.

The collecting society claims that the current rate of 0.33% of annual gross box office—which amounted to $2.6 million Australian ($2.06 million) for APRA in 2004—is far below the 1% operators pay in Europe.

“The average ticket price in a major cinema is $15 Australian ($11.90),” APRA director of general performance licensing Dean Omrston says. “The license fee for the public performance of music equates to 5 cents Australian [4 cents] of that $15.”

APRA has not identified a new rate, but the AEIA has revealed that an increase to European levels would result in higher movie ticket prices, a situation that would be detrimental to some independent cinemas.

In 1996, both sides agreed to a five-year moratorium on rates. APRA reinstated negotiations with the AEIA in 2002 but broke off the talks in June 2003, claiming a stalemate.

APRA then sent the matter to the federal court’s Copyright Tribunal in Sydney for arbitration. The case is expected to be heard later this year.

The latest twist came last month, when law firm Minter Ellison lodged a challenge to APRA’s authority as a collecting society with regulator the Australian Consumer Commission. Minter Ellison acted on behalf of the AEIA, major and indie cinema chains and the Independent Cinemas Assn. of Australia (formerly the Cinema Operators Assn. of Australia). APRA applies every four years to the ACCC to renew its authority to collect fees.

The cinema owners have challenged APRA’s role as the sole collecting body, describing its demands for fee increases as an “unconstrained expression of market power.” However, the Minter Ellison challenge does not nominate an alternate body, and publishing sources say the move is widely seen as a delaying tactic.

Omrston insists that APRA’s authorization is a completely separate issue from its negotiations with the cinema owners.

“Our authorization from the ACCC depends on the way we operate and deal with our 38,000 members in Australia and New Zealand, and with our overseas licensees,” he says. “It does not in any way affect the way the structure licenses or the rates we charge—those are dealt with by the Copyright Tribunal.”

Neither Minter Ellison nor the AEIA would comment.

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**Spanish Music Fans Lose Iconic Store**

**BY HOWELL LLEWELLYN**

MADRID—Spain’s most cherished music retailer is the latest victim of the market declines in the territory.

Consumers and industry executives were dismayed to learn recently that the Madrid Rock store on the city’s main Gran Via shopping corridor will close this spring after 24 years in business.

The news came shortly after labels body Promusicae revealed that the value of domestic music shipments in 2004 was down 12.6% from the previous year (Billboard, March 5). The Spanish market has fallen 32% in value since 2000, Promusicae says.

“These figures reflect what has been happening in the store,” Madrid Rock director Miguel Angel Moreno says.

The Gran Via store was the last remaining outlet in the Madrid Rock chain. Since 2000, the company has been shutting its stores in and around the capital and in the southern cities of Seville and Cordoba.

The retailer’s parent company, distribution group Armadeo, blames the音乐 streaming and digital income losses for the final closure.

“Sales have fallen at least 10% a year since 2000, when Madrid Rock’s eight stores accounted for 5% of the national market, including 3% for the Gran Via store,” Moreno says.

“When an important new record was released, we’d sell 1,500 units on the first day,” he adds. “Now, we’d be lucky to move 300.”

Despite such downturns, Madrid Rock’s 45-person staff and its union representatives have been suggesting in the local press that a property deal is the main reason for the closure, rather than poor sales.

Armadeo has also confirmed that the Madrid Rock building has been sold: details of the buyer have not been disclosed.

Union representative Mamen Valdiviezo has worked with Madrid Rock since 1991. “In the past three years, Madrid Rock has not had economic losses, and sales have kept stable,” he says.

Aurora Motiño, another union delegate who has worked with the Madrid Rock for 11 years, says, “Many smaller specialist record shops in central Madrid are surviving.” She adds that Madrid Rock “is not losing money,” pointing to five lines of customers holding piles of CDs, DVDs and books at registers. “Even before the 20% discount points started, there were always lines of people waiting to pay,” she says.

The unions are still negotiating over final settlements with Madrid Rock’s parent company, Spanish labor laws dictate that a closure cannot take place until all settlement details are agreed upon.

Madrid Rock has been a cultural reference point for generations of serious music fans, who flocked seven days a week to the 1,500-square-meter, three-floor store in central Madrid.

EMI Spain president Manolo Diaz calls the closure “a catastrophe.”

Diaz was a musician in Madrid in the 1980s before becoming a label executive. “Like hundreds of other people,” he recalls, “I used to spend hours in Madrid Rock looking at back catalogs, often without buying anything.”

“It was a fantastic place in the city center,” he adds, “and I’d meet my girlfriend there. But all record stores in Spain, big and small, are suffering right now.”

Madrid Rock is just five minutes from the shop that claims to be Spain’s biggest music store, French-owned Fnac.

The head of Fnac Spain’s music department, Javier Lopez, describes the closure as a “tremendous loss for Madrid Rock and Spain.”

Madrid Rock “is a reference point for serious music fans with minority music interests,” he adds. “You could walk in and find eight different records by [jazz organist] Jimmy Smith, even before his recent death.”

Fnac will open its 11th Spanish store in early May in Leganes, near Madrid. Many of Madrid Rock’s staffers are expected to apply for jobs at the new outlet.

The Spanish music industry does not release official retail market-share figures, so unconfirmed estimates credit mass merchant El Corte Ingles, which has 70 stores, with more than 25% of CD sales. Nonspecialist retailers have been taking an increasing share of the local market in recent years.

When Madrid Rock closes, the city’s only large music outlets will be Fnac and five El Corte Ingles stores. Among the hypermarkets across Spain that stock music are Carrefour, Alcampo and the German-owned Media Markt.

Monica Sevil, legal adviser for music retail trade body ANEDL, blames major-label trading policies for the fate of stores like Madrid Rock.

“Big international labels such as El Corte Ingles only receive more favorable price deals than specialist music stores, but their shipments are on a sale-or-return basis, whereas the specialists have to accept a firm sale deal,” she says. “I doubt that labels can be blamed.”

Diaz retorts, “We need the Madrid Rocks and Fnacs more than the hypermarkets, where music is just one more item, and there is no commitment to music. What is happening to Madrid Rock is a symbol of the painful state of the [Spanish] music industry, caused mainly by piracy.”

Moreno agrees, pointing out that within 100 meters of Madrid Rock, pirated CDs are sold on the sidewalk every day.

Sevil says ANEDL’s members accounted for 40% of music sales in Spain prior to 2000. “Now we represent 17%,” she says, “because Madrid Rock is disappearing, and the icing on the iceberg, music outlets are disappearing.”

She suggests that Spain needs a state-regulated fixed-price mechanism for recordings, such as that which exists for books. ‘Specialist music outlets have almost no legal protection here,” she says, “and that must change.”
Gaining Global Ground

The Great White North Steadily Supplies Musical Talent Across All Genres

BY LARRY LeBLANC

The world clearly has taken notice of Canadian music.

The recent multimarket success of two artists, Vancouver crooner Michael Bublé and Quebec chanteuse Lynda Lemay (both on Warner Music Canada), underscores Canada’s role as a leading international source of repertoire.

Bublé’s 143 Records/Reprise sophomore set, “It’s Time,” entered the charts in February at No. 1 in Canada, Italy, Australia and Japan, No. 4 in the United Kingdom and No. 7 on The Billboard 200.

The following month, Lemay’s eighth WEA album, “Un Paradis Quelque Part,” debuted at No. 1 in France and on Quebec’s Francophone Nielsen SoundScan chart. Lemay’s folk opera “Un Éternel Hiver” recently opened in France to strong reviews and is slated to run for six months.

As the Canadian record industry gathers April 3 in Winnipeg, Manitoba, for the 2005 Juno Awards, global markets continue to embrace such established Canadian acts as Celine Dion, Shania Twain, Bryan Adams, Avril Lavigne, Sarah McLachlan, Alanis Morrisette, Diana Krall, Nickelback, Barenaked Ladies, Our Lady Peace, Nelly Furtado, Kid Koala and Bruce Cockburn.

Additionally, Canadian mainstream rock acts Simple Plan, Finger Eleven, Three Days Grace, Default and Theory of a Deadman and singer/songwriters Rufus Wainwright, Fred Eaglesmith, Sarah Harmer, Kathleen Edwards and Ron Sexsmith have developed significant international profiles in recent years.

French-language markets recognize Canada as a leading repertoire source, not only because of Dion and Lemay but also Corinne, Natasha St. Peir, Daniel Powter, Garou, Roch Voisine, Isabelle Boulay, Joroane and Lhasa de Sela.

In addition, a score of fledgling Canadian acts—the majority signed to local independent labels—are achieving international breakthroughs.

These talents include alternative-based bands the Arcade Fire, Broken Social Scene, Stars, the Dears, Alexisonfire, Death From Above 1979, Hot Hot Heat and the New Pornographers; punk/hardcore group Black Maria; country singer George Canyon; the Dubhks; Blackie & the Rodeo Kings; the Sadies; and Nathan. There are also Canadians—namely Leslie Feist, Danko Jones and Peaches—working successfully from Europe.

“Canadian music is starting to hit on all cylinders,” Warner Music Canada president/CEO Steve Kane says. “Our grass-roots [independent] industry is coming to fruition. We are seeing bands come through a system that has matured.”

Others agree. “There are a lot of Canadian acts being noticed around the world that might not be selling a lot of records yet, but they are becoming important cultural factors,” EMI Music Publishing Canada president Michael McCarty notes. “These acts will probably thrive by combining record sales, touring and selling merchandise.”

However, Terry McBride, CEO of Nettwerk Productions in Vancouver and manager of Barenaked Ladies, Lavigne and McLachlan, counters, “The only thing I like out of Canada in the past year has been the Arcade Fire. Their record is going to sell a million copies, and deservedly so. It’s a hell of an album and a great live band.”

Revenue from these emerging acts may be modest compared with market leaders signed directly to multinationals. However, these acts are benefiting from Internet-driven marketing, particularly in the absence of mainstream retail and radio support.

“Music gets around today like it has never done before,” says Eric Lawrence, co-principal of Coalition Entertainment Management in Richmond Hill, Ontario, which handles Our Lady Peace, Finger Eleven and Simple Plan. “Years ago, a buzz band became a buzz band by someone seeing it and mentioning it to another person on the telephone. Today, a buzz band is talked about in [Internet] chat rooms [and] message boards and receives all kinds of press.”

EMI’s McCarty describes what he calls “an explosion” in alternative music.

“Not alternative in sound,” he adds, “but alternative to the mainstream industry. The similarities to the musical explosion with FM radio in the ’60s are striking. Then, AM radio, playing primarily pop music, was the main way music reached the masses. FM radio came along and connected people with music that wasn’t being heard.

“Today, the Internet is a connecting point between music and the public. Eventually, the mainstream media will pay attention, and there will be an explosion in the commercial viability of these acts.”

Kim Cooke, GM of MapleMusic Recordings in Toronto, adds, “This is the best and the worst of times. It’s the worst of times in the sense that it’s hard to sell records today, and the best of times because of the incredible fertility of the Canadian marketplace.”

The four multinational majors—Universal, Sony BMG, Warner and EMI—dominate the country’s $807 million Canadian ($722 million) music market, collectively accounting for 90% of revenue. Their trade practices are the de facto industry standard, particularly in distribution.

But while the majors continue to play a pivotal role in launching new acts internationally and domestically, Canada’s indie sector has honed its artistic-development strategy.

In fact, entrepreneurial labels like Arts & Crafts, Last Gang, Distort Entertainment, Mint, Three Gut, Sonic Unyon, G7 Welcoming Committee, Smallman, Paperbag Records, Grenadine, MapleMusic and Six Shooter are creating a substructure within Canada’s music industry. They have also discovered a receptive global audience for their alternative rock, roots, folk, jazz and blues catalogs.

“Those labels have seen models that have worked elsewhere and are (Continued on page 49)

Fact File: Juno Awards

What: The annual awards show of the Canadian Academy of Recording Arts and Sciences
Where: Winnipeg, Manitoba
When: April 3
Who: Nominees include Avril Lavigne, Diana Krall, Bryan Adams, k.d. lang and Celine Dion. Performers include Neil Young, the Tragically Hip, lang, Simple Plan, Billy Talent and R-OS.
Web: juno-awards.ca
Healthy Economy Boots Touring Industry
Favorable Exchange Rate Among Factors Cited For Canada’s Stable Concert Marketplace

BY RAY WADDELL

The Canadian concert marketplace proved remarkably stable in 2004, particularly in eastern Canada. And Canadian venues did not experience the doldrums that many of the ones in the United States endured last year.

"The Canadian marketplace is healthy because our economy is generally strong," says Riley O’Connor, senior VP/talent buyer for House of Blues Canada. "The concert market is healthy based on smart pricing on a market-by-market basis."

Others take a similar view. "The Canadian concert market is quite strong in general," says Rick Rakocy, programming manager for the Copp's Coliseum in Hamilton, Ontario. "We had a very active fall last year, and though there seems to be less touring acts in the first six months [of 2005], it looks good for the remainder of the year."

Rakocy agrees that economic factors are helping. For promoters and venues doing business with U.S. artists, "the exchange rate is at its [most favorable] point in a number of years," he observes. The Canadian dollar is currently worth 80 cents, an improvement compared with previous years. "We are able to look at many more shows, without putting the burden of higher ticket prices on the consumer."

GOING STRONG
Shane Bourbonnais, executive VP of Clear Channel Entertainment Canada, says the Canadian concert market held up far better than the United States' last year, and is still going strong. "I just put up seven Cher shows, and most of them sold out," he says. "We have no dogs at all, which is great."

New arenas in Victoria, British Columbia, and Winnipeg, Manitoba, have improved the venue situation, Bourbonnais adds. He concurs that eastern Canada is outpacing the western part of the country. "But last year, 58% of our profits came from western Canada," he says. "This year, it has flipped, which is more due to the nature of the business and routing than anything else."

In most Canadian concert markets, one venue in each size category rules its respective roost. "There is no facility competitiveness in Canada, with the exception of Vancouver, which has competing arenas in Pacific Coliseum and GM Place," O’Connor says. "In a practical sense, there is no need for multiple competing venues [in a country] with a population base of only 35 million people spread out over 2,500 miles."

Vancouver’s dualing venues aside, when it comes to the Canadian concert market, Toronto is tops, and the Air Canada Centre is the crown jewel. "We are having a very good year here in Toronto, and from what I hear from my Canadian counterparts, we are having a decent year with the number of shows out there," says Bob Hunter, director of the Air Canada Centre. "We are doing well with about 40 concerts per year; we include in that number three or four ethnic shows which sell very well here."

The Air Canada Centre is one of the top-grossing arenas in the country. It ranked sixth in 2004, according to Billboard Boxscore.

Hunter says many U.S. tours play only Toronto when in Canada because of the ease of travel and connection to the northeastern United States. "Air Canada Centre is positioned as a 'must play,'" which says more about Toronto and its size [than] the facility," Hunter says. "We continue to work hard supporting our local promoters, always trying to maximize every opportunity. And even with an amphitheater down the road, we have still been able to generate an active summer business."

That amphitheater Hunter refers to (Continued on page 48)
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Music Industry Sees Bright Digital Future
As Legitimate Services Make Inroads, Labels And Publishers Fine-Tune Their Business Models

BY LARRY LeBLANC

Canada's music industry this year faces the challenge of moving digital music from a niche market to mainstream status while grappling with the role of new online outlets.

As in the United States, the sale of physical CDs at traditional retail and online stores still represents the bulk of consumer spending on music in Canada. But Canadian rights holders are anticipating that digital outlets—online music services, ringtones and other platforms—will soon generate significant revenue streams.

"We're at the dawn of the greatest era in the history of the music business: I say bring it on," says Michael McCarty, president of EMI Music Publishing Canada. "This is our future," Universal Music Canada president/CEO Randy Lennox says. "Between digital downloads and [master ringtones], there's a significant business out there."

At the same time as the legitimate digital music business evolves, and with more product available through more platforms than ever before, Canadian rights holders are aggressively seeking protection of their interests.

Graham Henderson, president of the Canadian Recording Industry Assn., acknowledges that there are significant differences of opinion between publishing and label sectors in devising up new revenue streams. "Publishers want what their rights have historically been worth," he says. "The record companies obviously disagree. There will come a compromise, because each side recognizes the need to get over this struggle."

McCarty agrees. "In order to accelerate business, the music industry has to make the new-media people's lives easier," he says. "But those people have to understand that various parties hold rights that have to be licensed and paid for."

Legitimate digital music services have represented only 1% of the Canadian distribution market, but efforts to steer Canadian consumers toward those channels has intensified since the Nov. 30 opening of the iTunes Music Store. It joined such digital download services as Puretracks, Napster, Archambault and Best Buy Canada's Bonfire.

Henderson predicts that digital music will account for 5% of Canadian music sales within this year. However, EMI Music Canada VP

Rob Brooks questions whether iTunes, with its 99-cents-per-track downloads, is the model that will ultimately drive growth for Canada's music business.

He points out that with the growth of digital music services, record companies face a seismic shift in their existing business model: one that sells 99-cent singles rather than a $15 album.

"Apple screwed the [music] industry on a global basis," Brooks says of the 99-cent downloads. "Steve Jobs was interested in selling iPods and more hardware. If Apple started at $1.99 [per track] we could have chiseled the pricing down as consumers reacted. But you can't price up."

Netwerk Productions CEO Terry McBride counters, asking, "What costs do we really have? We release on CD anyway. We don't have marketing or promotion costs. If we could get rid of pirating, this would be rocking. It is already showing signs of being vibrant."

Casting a shadow over Canada's music industry, however, is a 2004 federal court decision that downloading or uploading unauthorized music files to the Internet does not constitute copyright infringement under current Canadian law. CRIA has since filed an appeal against the decision.

(Continued on page 46)
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Up-And-Comers Attracting Attention

New Acts In Multiple Genres Gain Critical Acclaim On The Road And At Retail

BY LARRY LeBLANC

Here are capsule profiles of selected noteworthy Canadian acts to watch.

THE ARCADE FIRE

Eccentric media and word-of-mouth has followed the Arcade Fire for the past year. When Merge Records released the Montreal group's debut album, "Funeral," in the United States last fall, the Chapel Hill, N.C.-based label manufactured 10,000 copies. The number seemed sufficient for an untried and mostly unknown band that was only 2 years old. Within two months, however, "Funeral" had shipped more than 40,000 copies, making it the fastest seller in Merge's history. To date, the album has scanned almost 90,000 units in the United States, and nearly 10,000 units in Canada, according to Nielsen SoundScan. The band has been on the road non-stop since the album's release, including tours in the United States and Europe. Furthermore, it has picked up two Juno Award nominations, for top alternative album and top artwork.

GEORGE CANYON

This 34-year-old Canadian cowboy has become an overnight sensation in Canada. George Canyon is currently supporting his Universal South debut, "One Good Friend," which is nearing gold (50,000 units), according to Nielsen SoundScan. In 2004, Canyon placed second in USA Network's "Nashville Star" talent search. In September of that year, he received the Rising Star Award at the Canadian Country Music Awards. Canyon—from Pictou County, Nova Scotia—hosted the 2005 East Coast Music Awards in February, taking home top country artist, new artist and entertainer honors. The album's title track is nominated for top country recording at the April 3 Juno Awards.

KATHLEEN EDWARDS

Kathleen Edwards launched her sophomore album, "Back to Me," on "Late Show With David Letterman." Prior to the album's March 1 release, she toured the United Kingdom and Ireland. In April, she returns overseas for dates in Europe, followed by tours in the United States and Canada. Edwards' country-tinted debut, "Failer," was issued by MapleMusic Recordings in 2002 in Canada, and in the United States by Zoe/Rounder in 2003. It created a critical buzz, and Edwards performed 200 shows in 18 months to support it. This included opening for Bob Dylan, Nickel Creek and Gustert, as well as performing on the same bill as the Rolling Stones and AC/DC last summer at the Molson Canadian Rocks for Toronto event, which drew close to 500,000 fans.

THE DUKHS

Hailing from Winnipeg, Manitoba, the Dukhs combine Appalachian, gospel, Afro-Cuban, Celtic and French-Canadian folk styles. The group consists of Leonard Podolak (vocals/banjo), Jessica Hayey (vocals), Tania Elizabeth (fiddle), Jordan McConnell (guitar) and Scott Senior (percussion).

Produced by Béla Fleck and Gary Paczkowski, the Dukhs' self-titled Sugar Hill Records debut, released Feb. 8 in North America, kicks off with a chilling version of "Death Came A-Knocking," which harks back to recordings by such American rural bluesmen as Charley Patton and Son House. The album finishes with a reggae-styled rendition of Sting's "Love Is the Seventh Wave." Traditional and original fiddle tunes fit alongside songs written by Ireland's Paul Brady and fellow Canadians Leonard Cohen, Dan Frechette and Fraser & DeBolt.

DEATH FROM ABOVE 1979

Funk-fueled Death From Above 1979—the duo of Jesse F. Keeler (bass/synthetizer) and Sebastien Grainger (vocals/drum)—is having a terrific year.

The Toronto-based pair, which is nominated for a Juno Award for top new band, kicked off 2005 with a 10-date sold-out U.K. tour in support of its Last Gang Records release, "You're a Woman, I'm a Machine." This was followed by shows in Japan and Australia, a showcase at the South by Southwest Music Conference in Austin and an appearance on "Late Night With Conan O'Brien." In April, the act will headline a 10-date tour of western Canada.

Death From Above 1979 formed four years ago and released its debut, "Heads Up!," in November 2003 on the Canadian band's self-titled label Ache Records.

ALEXIONFIRE

Three-year-old screamo band Alexisonfire, from St. Catharine's, Ontario, virtually portrayed its gritty sound—self-described as "two Catholic high-school girls in mid-knight fight!"—on the provocative cover of its self-titled 2002 debut. (The group took its name from U.S. adult film star Alexis Fire.) The band's sophomore album, "Watch Out!," released in June 2004 by Toronto-based independent label Distort Entertainment and distributed by Universal Music Canada, debuted at No. 6 on the country's album chart. To date the album has sold some 50,000 units in Canada, according to Nielsen SoundScan. Released by Albany, N.Y.-based Equal Vision in the United States, "Watch Out!" has scanned 27,500 units there.

In the past 18 months, Alexisonfire—nominated for a Juno Award for top new band—has toured alongside Billy Talent, GWAR, Juliana Theory and Godsmack.

Digital

Continued from page 44

which will be heard April 20.

Several sources forecast that successful digital music services will eventually offer multiple business models, including pay-per-downloads, subscriptions and streaming radio.

For now, the subscription-based services are going to be duds, because they don't support the iPod," says David Basskin, president of the Canadian Musical Reproduction Rights Agency. "What I see coming is a subscription-based service that offers a combination of tethered convertible downloadable files for a bulk rate or on a sliding scale."

Sources argue that the business potential for master ringtones—which use the actual recording of a song—will expand with improvements in technology and more sophisticated cell phone networks.

This growth, they predict, will continue as carriers introduce new music-focused services and as mobile phone manufacturers introduce high-quality players into their handsets.

Basskin, however, argues that the potential of the ringtone business may be less than expected.

"The reason it may be a short-term play has to do with changes in technology," he says. "There are now cell phones that allow you to move songs from your computer to the phone and use them as a ringtone. There's also software that takes sound files or tracks off a CD for use as a ringtone."

Currently, many digital music files remain lodged in home computers. But the future, observers say, lies with digital content that can be transferred among disparate entertainment players.

"Ringtones and ringtunes are interesting sidehows, but they are not the long-term future of the music business," Basskin predicts. "There is a considerable opportunity to be had in online distribution of music to telephones just as there is to computers."
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Touring
Continued from page 42

is the Molson Amphitheatre, a 16,000-capacity shed HOB Canada owns and operates. Given the limited outdoor concert season in Ontario, the Molson Amphitheatre has to make the most of the time it has available.

"We promote the Molson Amphitheatre as a destination venue in the Toronto market," O'Connor says. "People in the southern Ontario market look forward to shedding their overcoats and enjoying the unique setting of the Molson Amphitheatre in downtown Toronto on the waterfront."

That said, in order to be a full-service promoter in Canada, HOB must look beyond its shed operation. "We are more active outside the amphitheatre because we are a 365-day, full-service concert promotion company," O'Connor says. "House of Blues Concerts Canada promotes more than 600 concerts a year."

In addition, the Copps Coliseum is more than holding its own, even with stiff competition from Toronto.

"We had a great year of concerts, with a number of high-profile acts performing in Hamilton," Rakoczy says. "Though we would like more concerts—like every other building—we understand the challenges we face every day. And as long as the market continues to be very supportive of concerts in all of our venues, we will continue to be on the itineraries of many acts."

LOCATION IS KEY

When agents are routing tours, Rakoczy feels Hamilton and Copps have plenty in their favor, though not without competition.

"Though we are centrally located in terms of routing and there are more than 7 million people within an hour's drive of Hamilton, we are only an hour from Toronto, and, therefore, are considered an alternative to Toronto, rather than the preference," he says.

"We are certainly within driving distance of Chicago to the west, upstate New York to the east or Detroit, Cincinnati or Cleveland to the south, but the preference is Toronto."

Rakoczy says that on occasion, a tour will play Hamilton and Toronto.

"But that is dependent on the strength of the act itself," he adds. "Both our staff and venue have a great reputation, and that has been instrumental in the number of concerts that land in the city."

In Ottawa, the Corel Centre has performed well with concerts of late, as has much of eastern Canada. "The concert market has been very good in Ottawa [this year] as opposed to last year, which was marginal," says Tom Conroy, VP/executive director of the 18,500-capacity Corel Centre. "Last year a lot of the cities out west had blockbuster years."

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Global
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now starting to evolve their own markets,” Kane says. “They are not limiting themselves to breaking their acts in Canada first.”

McCarry agrees. “No matter what country you’re from today, you can occupy a very narrow niche and can get to a large enough audience around the world that, in total, makes it possible for you to have a career.”

The majors “are primarily in the distribution and marketing business,” says Jim West, president of Distribution Fusion III in Montreal.

“The majors realize that too.”

REALIZING INDIE CLOUT

One example within the past year of major-label awareness of indie clout has been Universal Music Canada’s decision to pick up distribution of Canadian indies at a dizzying clip. These include Black Smith Entertainment, the Orange Record Label, Paperbag Records, Alma, Last Gang, Distort Entertainment and Linus Entertainment, all in Toronto, and DEP Distribution and Curve Records in Montreal.

Universal also distributes Anthem, Alert Music and Somerset Entertainment, all in Toronto; 604 Records and Maximum Music, both in Vancouver; and the artist-run imprints of Harmer, Loreena McKennitt and Kevin Parent.

In 2002, Universal acquired a minority share of Toronto-based MapleCore, which operates alternative-rock-oriented MapleMusic and country imprint Open Road Recordings. MapleMusic is home to Edwards, the Cowboy Junkies, Filtar, the Dears and Joel Plaskett. Open Road has top Canadian country artists Doc Walker and Jason McCoy.

Universal’s own domestic roster includes Sam Roberts, Matt Dusk, Matthew Good, Jann Arden, Fefe Dobson, Remy Shand and Hawksley Workman.

“We want to give the independent sector representation in Canada while being a conduit to international territories. At the same time, we are engaging our sister companies around the world with co-ventures with them on Remy Shand, Matt Dusk, Fefe Dobson and Hawksley Workman.”

The recent merger of Sony and BMG is certain to shake up the Canadian A&R world once the dust settles. The combined company’s domestic roster is formidable.

(Continued on page 50)
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Heart Of Louisan
Singer/Songwriter Takes Simple Approach To German Charts

BY WOLFGANG SPARR

HAMBURG—The German charts, which are usually dominated by hip-hop, manufactured pop and heritage rockers, have recently exhibited a more Bohemian influence.

“Bothme,” the debut album by Annett Louisan, has shipped more than 300,000 copies in Germany since its November release on 105 Music/Sony BMG, qualifying for platinum status. It’s a remarkable success story for a folk-tinged debut from an artist who revels in simplicity.

“It was time that someone in Germany tried to do what had been achieved by Carla Bruni in France and David Bowies, in the United States—breaking an artist with a powerful voice and a grass-roots approach to music,” 105 Music co-founder Heinz Canibol told the Bohemepepetal on No. 3 on the Media Control albums chart dated Jan. 5 and has been in the top 20 for the last 19 weeks. The label says shipments of Louisan’s top five singles, “Das Spiel,” have exceeded 150,000 units.

The artist is nominated in three categories at the German music industry’s Echo Awards, to be held April 2 in Berlin. She is also due to perform at the ceremony.

Louisan says she was inspired by Italian model-turned-singer Bruni, whose debut album, “Quelqu’un Ma Dit” on indie label Naive, shipped more than 1 million units across Europe in 2003 and 2004.

“I love Tom Waits, Rio Reiser and Madonna as well as Carla Bruni,” Louisan says. “I bought her album last year and was very impressed with the way she makes music—just her, a guitar and lots of feeling. I wanted to do something similar, but it’s important not to copy anyone.”

Frank Adler, music buyer at retailer WOM in Cologne, attributes Louisan’s success to her distinctive vocals and charisma. “She doesn’t really fit in any category,” he says. Noting that the artist’s breakthrough came when she was featured regularly on music channels Viva and MTV, Adler says the female 14-20 demographic accounts for the majority of Louisan’s sales at WOM.

EARLY DAYS

The 25-year-old singer/songwriter got her start when she came to the attention of music publisher Peermusic Germany, for which she recorded demos at the company’s studios in Hamburg.

Peermusic president Michael Karsnstedt says he was convinced Louisan had a special talent, and he tried unsuccessfully to interest German major labels in the singer.

Eventually, Karsnstedt found a willing partner in former EMI Germany president Canibol, who signed Louisan to Hamburg-based 105 Music. Canibol and Roman Rybnikar (a former managing director at Electrola) launched 105 Music in 2002 as a joint venture with Sony Music Germany.

Canibol says the album will be released in Belgium, Luxembourg, the Netherlands and France, but details have yet to be finalized.

Top 40 radio has strongly supported “Das Spiel.” Radio Hamburg music programmer Marzel Becker says he considers Louisan “one of the best German new artists.”

Jürgen Meier-Beer, head of TV entertainment at public broadcaster NDR in Hamburg, recalls, “When I first heard the original demos, I was particularly impressed by their special quality.”

Karsnstedt is convinced that the Berlin-born singer—who started a 22-date German tour March 16—has the potential to be one of the top artists of her generation.

Louisan “has a very intense voice with an unusual simplicity,” Karsnstedt says. “This explains why she has become such a great asset to the required imaginative marketing.”

Canibol says 105’s approach was to let the music speak for itself, developing a fan base in an organic way. “We had the courage to build up a singer of German-language songs without marketing hype,” he declares. “This has been rewarded, showing that the German market is capable of recognizing true quality.”

Gold Discs

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Gold Discs

Continued from page 37

with 3.7% in 2003 and 5.4% in 2002.

Music critic Hito Ugaña notes that Japan’s most influential music awards ceremony is the NHK Record Taisho (Japan Records Grand Prix), organized by the NHK Broadcasting System, which awards the show every Dec. 31.

“The music industry cares about Record Taisho but not about other awards shows, because one is enough for sales promotion,” Ugaña says. He adds that TBS cannot afford to pass much of a new gold disc award ceremony.

Other awards shows in Japan include those of music TV channels’ Space Shower and MTV Japan, which single out the year’s best music videos, not songs or performers.

Yui Takahashi, GM of the international department at Tokyo label Pony Canyon, points out that the shipments-based Gold Disc Awards provide an objective standard of success; he describes other shows’ selection criteria as “opaque.” However, with the Gold Discs, “a great work cannot receive an award if its sales are relatively small,” he adds.

“I remain in favor of the Gold Disc Awards,” one industry source comments, noting that the awards are “incredibly transparent and fair, but predictable.”

The source adds, “The reason the awards do not secure the attention and buzz from the media is that the winners are announced beforehand, thereby removing any sense of anticipation and suspense. The executive suggests alternating the right to broadcast the event each year between NHK and commercial TV stations: ‘This would certainly jazz things up.’

One Japanese label executive says, “I certainly do not see much hope for anything coming along and becoming the Japanese equivalent of the Grammys or the Brits. Maybe everyone knows and accepts the fact that it is all so political—and just a promotional vehicle—that it doesn’t really matter one way or another.”

Blues

Continued from page 37

“The Colonial Tavern lunch-hour Saturday concerts [in the ’80s and ’70s] had a huge effect on the local blues scene,” Marks recalls. “Kids were allowed in.”

“We were able to get friendly with many of the original blues guys,” confirms singer/guitarist Linden—who, in 1971 at the age of 12, was befriended by Howlin’ Wolf at the Colonial Tavern.

Linden, who now lives in Nashville and recently released the album “Southern Jumbo” on Toronto-based True North Records, says Americans often ask him that it is Canadians who can play music that sounds like it came from the American South. “Small towns in Canada are much like small towns in the South,” he explains. “They are also dependent on agriculture for their economy, so there are many lifestyle similarities.”

There’s a primal element in the blues that goes beyond notes and licks,” says singer David Clayton Thomas, who, prior to joining U.S. group Blood Sweat & Tears in 1969, found local fame with a rendition of Hooker’s standard “Boo Moom” in 1964. “There was a stream of primal pain that came through in John Lee Hooker’s music that I identified with and understood,” he says. Clayton-Thomas’ album “Aura,” featuring new blues and jazz tunes, was recently released on Montreal’s Justine Time Records.

A new wave of young talent from every corner of the country is moving onto Canada’s blues stage. This includes Jorgen Flom, Kyle Rubko and J.P. LeBlanc, all teenagers, and Matt Anderson, J.W. Jones, Roxanne Potvin and the Trevor Finlay Band, all in their 20s.

Boweskill, who is signed to JB Records, discovered the group at the 10 when his father gave him the 1990 boxed set “Complete Recordings” (Columbia) of Mississippi Delta bluesman Robert Johnson.

“It was so soulful,” recalls Boweskill, who lives in Peterborough, Ontario. “I started learning a lot of the songs. The next year I was busking outside Jeff Healey’s club. They brought me in to do a tune with Jeff and the band. That was the first time I played onstage.” Boweskill’s 2004 album, “Soap Bars & Dog Ears,” is nominated in the blues category for this year’s Juno Awards.
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**RECORD COMPANIES:** Sony BMG Entertainment in New York names Cory Shields senior VP of communications. He was chief communications officer/executive VP at J. Walter Thompson. Island Def Jam Music Group in New York promotes Jim Roppo to VP of sales. He was regional sales director.

RCA Label Group in Nashville ups David Fitzgerald to director of sales and Holly Anderson to coordinator of sales and marketing. Fitzgerald was national accounts manager. Anderson was sales and marketing administrator.

**DISTRIBUTION:** WEA in New York promotes Mike Jbara to senior VP of production and media operations and Adam Mirabella to senior VP of e-commerce. They were VPs of those respective departments.

Handelman Co. in Troy, Mich., promotes Debra Grabowski to cash manager, Dan Willy to business analyst and Katrina Owens to manager of merchandise coordination and analysis. Grabowski was senior internal auditor, Willy was manager of merchandise coordination and analysis, and Owens was business analyst.

**RETAIL:** Hastings Entertainment in Amarillo, Texas, appoints James Webb director of outside reporting. He was a senior auditor at KPMG.

**RADIO:** XM Satellite Radio in Washington, D.C., names Jon Zellner senior VP of music programming. He was Infinity Broadcasting's VP of top 40 programming.

Infinity Broadcasting in New York names Matt Timothy VP of streaming media and promotes St. Louis-based Kevin Robinson to VP of hot AC programming. Timothy was general sales manager at WCBS New York. Robinson remains PD at adult top 40 KYKY.

St. Louis. Rhythmic top 40 KMEL San Francisco ups Stacy Cunningham to PD. She was promotion director at KMEL and adult top 40 sister KIOI.

Adult top 40 KLQC San Francisco names Greg Nemitz VP/CM. He was director of sales at San Francisco's Radio Disney outlet KMKY and news/talk stations IGO and KSFQ. 

Adult top 40 WQAL Cleveland ups Joann Riord at general sales manager. She was local sales manager. Modern rock WMAD Madison, Wis., appoints Brad Savage PD. He was PD at active rock KBBM Columbia, Mo.

**HOME VIDEO:** Paramount Home Entertainment in Los Angeles names Vincent Moy VP of research. He was director of market research at Warner Home Video.

Eagle Rock Entertainment in New York names Tom Smith director of programming and production. He was senior director of promotions and marketing. New Line Home Entertainment in Los Angeles ups Justine Brody to senior VP of marketing. She was VP of marketing.

**RELATED FIELDS:** Universi Online in New York names Thomas Arrix senior VP of ad sales. He was senior VP of sales and client services at CBS SportsLine.com.

The Country Music Hall of Fame and Museum hires Suzanne Tolbert as assistant director of sales and service. She was senior tourism sales manager at Nashville Convention & Visitors Bureau.

CinemaNow in Marina del Rey, Calif., promotes Bruce Eisen to president. He was executive VP.

Playboy Entertainment Group in Los Angeles names Gary Marcotte divisional executive VP. He was CFO/leadership partner at Talum Partners.

**Shout With Jazz**

Herb Alpert, second from right, and the Shout Factory team celebrate the release of the "Herb Alpert Signature Series" at Alpert's restaurant and jazz club, the Vibrao Grill & Jazz in Los Angeles. The long-term release project was launched Feb. 8 with the remastered versions of "The Lonely Bull" and "South of the Border." The remainder of the Tijuana Brass catalog, featuring Alpert's trumpet, and Alpert's solo releases will roll out throughout 2005. Pictured with Alpert, from left, are Shout Factory president Garson Foos, CEO Richard Foos, COO Bob Emmer, Alpert's longtime partner and A&M Records co-founder Jerry Moss and actor James Caan, who dropped in by surprise.

**A BMG Bunch**


(Top: Lester Cohen)

**Talented Tigress**

Tigress artist Alana Davis, center, graced the Billboard office with a live performance Feb. 22. Billboard senior writer Michael Paolletta, left, and senior editor Marc Schifman congratulate Davis on her third album, "Dorothy Surrender," which debuted that day.

**Live 'Confessions'**

Usher, right, performed hits from his "Confessions" album at Showtime's "One Night, One Star, Usher Live" concert in San Juan, Puerto Rico. The March 5 event was the first time the multipładist artist performed a full-length live show on TV this year. Usher is pictured with Showtime chairman/CEO Matt Blank backstage before the performance.

(Photograf: Frank Micelotta/Getty Images)
Sales Lag, But Not At No. 1

Oh, how numbers can mislead. If you tracked only the sales totals at No. 1 on The Billboard 200, this still-young 2005 would look like a winner rather than the challenge that it has been. While year-to-date album sales lag 2004 by 8.6%, this year’s chart-topping sets have sold in stronger numbers.

Through the 11th week, the average for a No. 1 has been 383,854, compared with 321,098 at the same point in 2004. The first quarter of each year was pumped by a million-selling week. In February 2004, Norah Jones’ sophomore title, “Feels Like Home,” sold 1.02 million in its first week. 50 Cent started even stronger this year, as the first week of March saw “The Massacre” begin at 1.14 million.

50 Cent’s album has also shown more staying power. Through its first three chart frames, it has sold 2.3 million, compared with 1.7 million for Jones’ “Home” in its first three weeks.

The year No. 1 average was also bolstered by 50’s former (and future) rival The Game, whose “The Documentary” opened with 587,000, the biggest January since Nielsen SoundScan hung up its shingle in 1991 (Billboard, Feb. 5). Two soft weeks in 2004 also account for the difference, as last year’s average was worn down by those two weeks when OutKast’s “Speakerboxxx/The Love Below” managed to lead the list with a sum of less than 100,000, an oddity that has happened only seven times in SoundScan history.

Expect the chart-topping average to shift in favor of 2004 two weeks from now, for it was in last year’s 13th week that Usher came to market with an opener of 1.1 million. That was the biggest week of the year, which was appropriate, as “Confessions” not only turned out to be the best seller of 2004, but also earned the best SoundScan year of any album since 2000.

EASY PREDICTION: Thinking of Usher’s successful 2004 campaign reminds me—in case you have not figured it out—that 50 Cent’s “The Massacre” stands as the odds-on favorite to be the best-selling album of 2005. And, if he can stay hot at radio, 50 might amass an even larger total than the 7.98 million copies that Usher’s “Confessions” sold last year.

Calling this year’s race in 50’s favor is a no-brainer. Start with a million-plus units when the year is barely two months old, and it becomes doubtful that any act can catch up in the remaining weeks. Of the four tracks that 50 Cent has parked in the top 10 of The Billboard Hot 100 (see Chart Beat, this page), three appear on “The Massacre,” including “Hate It or Love It.”

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- **www.billboard.com**
- **www.billboard.biz**
- **ARTIST:**
- **Title:**
- **P/E No.:**
- **Price:**
Over The Counter

Continued from page 55

which originally appeared on the Game’s “The Documentary.”

A majority of the tracks on “The Massacre” have achieved at least some unsolicited airplay, including “Just a Lil Bit,” which was added to Broadcast Data Systems tracks at 57 of the 139 stations on the Billboard Hot R&B/Hip-Hop radio panel. That activity suggested 50 could remain on radio’s radar until Usher did in 2004—throughout the year.

WILLIE: Rookie Miranda Lambert bows at No. 1 on Top Country Albums, which marks not only a personal achievement for her “Kerosene” but an unprecedented accomplishment for Sony Nashville. Only six first-timers have bowed at No. 1 on the country list, and half of those belong to Sony. All three have happened since John Grady became the division’s president in May 2003. Lambert rounds out the hat trick, which began with Nashville Star winner Buddy Jewell in 2003 and continued last year with Gretchen Wilson, whose “Here for the Party” has sold 3.3 million copies in 10 months.

While Wilson had a bona fide radio hit in play with “Redneck Woman” when her album came to market, Lambert’s run at that format has been less electric. Lead track “Me and Charlie Talking” first reached Hot Country Singles & Tracks last October, and “Kerosene” never rose above No. 18 on the Billboard chart.

Aside from Sony’s trio, the only rookies to bowl at country album’s list were Wynonna and Billy Ray Cyrus in 1992 and LeAnn Rimes in 1996. The first-mentioned was hardly a new name when she released her first solo album, having earned No. 4 on the country albums list as one-half of mother/daughter duo the Judds.

FRESH: Two rookies are also throwing heat on Top R&B/Hip-Hop Albums. Singer Brooke Valentine starts at No. 3, and rapper Baby Bash begins at No. 7.

Bash enters The Billboard 200 at No. 11, where Valentine checks in at No. 16. Their order differs from one list to the next because Top R&B/Hip-Hop is determined by a lead sheet panel of stores, while the big chart is driven by the entire universe of Nielsen SoundScan reporters.

Valentine’s “Girlfriend,” which features Lil Jon and Big Boi, bullets 29-25 on Hot R&B/Hip-Hop Singles & Tracks. Bash has two listings on that chart (Nos. 32 and 72), one of those a guest appearance on a track by Frankie J.

JUST SOYOU’LL KNOW: “Now I” enters The Billboard 200 at No. 2, falling about 25,000 copies shy of chart leader 50 Cent. Its start of 33,800 copies is on par with the 343,000 that “Now” sold 51 weeks earlier, when it also began at No. 2, but is less than the openers of the next two editions...
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<td>WE-JAZZ (Vol. 1)</td>
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<td>MATT BIANCO FEATURING BASIA</td>
<td>Memoirs Of A Jazzman</td>
<td>Gold</td>
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<td>BONEY JAMES</td>
<td>Pure</td>
<td>Gold</td>
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<td>Perfect Night</td>
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<td>The Best Smooth Jazz Ever!</td>
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<td>Lessons In Love</td>
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<td>Katie Melua</td>
<td>Call Off The Search</td>
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<td>Smooth Jazz Plays Your Favorite Hits!</td>
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### Billboard Top New Age Albums

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<td>Earthquakes</td>
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<td>VARIOUS ARTISTS</td>
<td>Most Relaxing New Age Music: In The Universe</td>
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<td>Wonderland</td>
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<td>The Healing Garden Collection</td>
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<td>100 Church Classics</td>
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<td>JESSE COOK</td>
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<td>TIM JANIS</td>
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Interscope Lands Five In Modern Rock Top 10

Interscope becomes the first label in the Nielsen Broadcast Data Systems era to place five of the week's top 10 songs on the Modern Rock chart. It is the first since Geffen in January 1994 to own the first three positions on the chart.

Linking the two eras—and labels—is Beck, who moved into the No. 1 spot with "Loser" in the second of two weeks that Geffen claimed the top three titles. Eleven years later, Beck leads the Interscope charge to the top as "E-Pro" gives him his second No. 1.

Trailing Beck is Audioslave's "Be Yourself," which rises 24 to 2, and "Little Sister" by Queens of the Stone Age, which holds at No. 3.

Audioslave's 22-spot climb is the biggest jump into the top five since Dave Matthews Band's "Don't Drink the Water" moved 36-5 in April 1998. "Be Yourself" gains 1,314 detections, the second-largest gain since the chart's history began.


Rounding out the Interscope banner is "Yeah" by Jimmy Eat World at No. 6 and "The Hard That Feeds" by Nine Inch Nails, which debuts on the chart at No. 8 (see Chart Beat, page 55).

The top label to claim credit for half of the top 10 on the Modern list was Warner Bros., in the March 4, 1989, issue, two years before monitored airplay began.

EXCLUSIVE COMPANY: For the second time in a month, a track performed at the Feb. 13 Grammy Awards and exclusively sold at the iTunes Music Store makes a hearty splash. Debuting at No. 21 on the Pop 100 and at No. 32 on The Billboard Hot 100 is the rousing Janis Joplin medley "Cry Baby/Piece of My Heart" performed by Melissa Etheridge and Joss Stone.

The track sells 30,000 paid downloads and enters Hot Digital Songs at No. 3.

In the March 5 issue, the superstar collaboration of "Across the Universe" opened with 34,500 paid downloads and entered the Pop 100 chart at No. 20 and the Hot 100 at No. 22. Like the tsunami-and "Universe," all proceeds from the sale of "Cry/Piece" go to a charitable cause.

In this case, cancer research organizations City of Hope and the Dr. Susan Love Research Foundation are the beneficiaries.

The second-highest debut on the Hot 100 is also an iTunes exclusive, as Ben Folds' take on SongFest's "Bitches Ain't Sh*#" opens at No. 71. The track moves 25-18 on Hot Digital Songs with 13,000 units sold (up 15%).

Exclusive tracks from iTunes have profoundly affected the chart since Single's & Tracks, becoming the first independently distributed title in nearly 30 years to rule the chart for more than one week (See Nashville Scene, page 26).

"E-Pro" closes a gap that opened in fall 1997 when the Kendalls posted four weeks at the summit with "Heaven's Just a Sin Away" on the Ovalion imprint.

Morgan's track dominates with an audience increase of more than 800,000 impressions and finishes with 36.1 million during the tracking week.

In the runner-up position (4-2), Sugarland makes a valiant attempt to unseat Morgan with "I Go Girl," which ends the week with an audience of 35 million. It ropes the Greatest Gainer tag for the first time in its 37 chart weeks with an increase of 4.4 million listener impressions.

Sugarland's single also gains the most spins and dominates the Nielsen Broadcast Data Systems detection tally.

COMING AROUND AGAIN: More than two months after peaking at No. 17 on the Hot R&B/Hip-Hop Singles & Tracks chart, "Karma" by Alicia Keys rebounds 48-29. It continues its climb up The Billboard Hot 100 with a 31-24 move fueled by increasing airplay at mainstream top 40 radio (moving 13-12 on Pop 100 Airplay).

A power notoriety from mainstream top 40 outlet WHTZ (100) New York likely played a role in crossstow R&B/hip-hop station WWPR (Power 105) and WQHT (Hot 97) each increasing the song's spins. WWPR played "Karma" 72 times for the week, compared with just two plays a week ago, accounting for an increase to 6.5 million listener impressions. WQHT's four-spin bump was good enough for an additional 500,000 listeners.

The gain these two stations supplied up being more that the titles overall increase of 6 million listener impressions.
We’re giving our listeners a competitive edge by going beyond our Web sites and come back to our Web sites,” Harrison says.

FOLLOWING THE RESEARCH
More than 19 million people listen to streaming radio online each week, according to Arbitron/Edison Media Research. Further, Borrell Associates data show that more than 30 million people consume on-demand media on a weekly basis. Internet advertising is also on the rise. Research company eMarketer projects total online ad spending to grow 30% to $11 billion this year—$3.5 billion of which will come from local advertisers.

Last year the four biggest providers of Internet radio services in the United States—AOL, MSN, Yahoo and Live365—formed an alliance to market themselves collectively to media buyers that traditionally advertise on national syndicated network radio.

Browsing Lupet Radio, a specialist in selling ad space on streaming radio, is positioning the four Internet services to advertisers as a single network with more than 33 million monthly listeners.

Clear Channel already streams 200 of its 1,200 stations. But without a coherent Internet strategy until now, it has been playing second fiddle in the Web radio space to the dominant online-only players.

With “Stripped” and other initiatives from Harrison’s team to debut this summer, including advertising and podcasting programming featuring local on-air talent, Clear Channel thinks it has an opportunity to shift that balance of power.

The company believes that with such well-known radio brands as Kiss, Power and 910, it has established franchises to which listeners can gravitate online in much the same way they do offline.

David Card, senior analyst for New York-based research firm AMR, says that an integrated approach, Clear Channel has an opportunity to protect its listener base and expand the audience for online radio.

“It’s one of the things that old-media companies have been doing in its (favor) when they are competing with a Yahoo or an AOL,” he says. “They have the potential, if they can tie it together, to do cross-media programming, which is great because most people don’t have Internet in their car yet.”

Harrison says the company also has a powerful new platform to offer labels.

“Without a doubt radio still drives the majority of sales and exposure (of artists and, unlikable) the other medium, it has the power to create stars,” he says. “We specifically went out and chose artists who are extremely relevant [to] our stations, but also are at a point in their career where we can reanimate them and help them expand their audience because of the new approach.”

Harrison points out that unlike features like Sessions@AOL, “Stripped” is not keyed around new releases. Instead it is looking to highlight acts that are already embraced by radio.

“Stripped” performances will be branded as local-station programming and will be promoted aggressively at the local level, both on-air and online.

As part of the promotion effort, participating artists will do on-air interviews and take listener questions via satellite with stations in 10-15 markets. A general interview with the artist will be distributed to all other participating markets.
in the course of her 15-year career. But on the eve of the April 12 U.S. release of her eighth studio album, “The Emancipation of Mimi” — Carey is confident, upbeat and spirited. “The Emancipation of Mimi” — the title comes from the singer’s nickname — arrives March 30 in Japan and April 4 in the rest of the world outside the United States.

In all territories, the set will sell as a standard CD and as a limited-edition Digipak (including a pull-out poster) with different cover art.

The album is decidedly pop and R&B, with flourishes of hip-hop. Carey co-wrote the set’s 14 tracks and co-produced the bulk of them. She executive-produced the collection with Island Def Jam Music Group chairman Antonio “L.A.” Reid.

The album features collaborations with several heavy hitters, including Jermaine Dupri, the Neptunes, Snoop Dogg, Kenny West, Twista and James “Big Jim” Wright.

“The collection of songs rightfully places her voice front and center. It is as if Carey — whose songs are published by Sony Songs, administered by Songs of Universal (BMI) — is returning to the place that put her on the map. Which helps explain the sniping campaign in major markets like New York and Los Angeles that proclaim “The return of the voice.”

Gigging (again), Carey says, “Oh, so you’ve seen the posters? That’s good.” On a more serious note, she says, “The voice has been here all along. Even if you listen to the oh-so-dissed ‘Glimmer’ [soundtrack], there is a song called ‘Lead the Way’ which is one of my best vocal performances ever.”

She continues, “People who only heard certain singles would be like, ‘Why is she singing so breathy?’ Some people are of the opinion that if you have a big voice you should use it all the time.”

FEELING THE VOICE

Through Carey’s voice is a fan of big-voiced singers, “I don’t want to hear someone scream at me all the time.”

When Carey sings, she says, it’s not about “showing off so everybody can hear me singing at the top of my lungs. But truth be told, I feel that my voice is in a better place than it has been in years.”

She credits this to her Charmbracelet tour in 2003: “It was my longest tour ever, and it got me in great shape vocally.”

This strength is not lost on Reid. “We are feeling her voice again,” he says. “She has an incredible voice — and she is using that voice on this album.”

Island president Steve Bartels agrees. “There is a level of comfort with Mariah and these songs, She is digging deep into her soul.”

Because of this, Reid believes Carey will continue to do well on the charts.

This is already happening. The album’s lead single, “It’s Like That,” is a top 20 hit on The Billboard Hot 100 and the Hot R&B/Pop-Hip Singles & Tracks chart. And the album’s upbeat remix was recently sent to club DJs. Indeed, the infectious track is resonating with many.

In fact, stations like rhythmic top 40

Carey: “I FEEL THAT MY VOICE IS IN A BETTER PLACE THAN IT HAS BEEN IN YEARS!”

WBBM Chicago are playing the original version and the Scott Storch remix (featuring Fat Joe). “It’s Like That clearly got radio’s attention, WBBM music director Erik Bradley notes. “Most programmers were excited to add Carey again on their stations,” he explains.

Bradley adds that there was certainly an accomplishment, especially since her last studio album, Charmbracelet, was not a hit. The album’s closing track, the inspirational and spiritual “Fly Like A Bird,” to gospel radio.

While radio appears to be wholly embracing Carey this time around, the label is not taking any chances. Simply put, Island VP of marketing Eric Wong says, “we are reactivating her fan base.”

That process began months ago with the “Return of the voice” campaign and was followed by a promotion spotlighting the alluring album cover art.

BIG-TIME PROMOTION

The Brett Ratner-directed video for “It’s Like That” has been a staple on MTV and BET; it was also the focus of MTV’s “Making the Video.” Ratner also directed the promo for “We Belong Together,” which concludes the storyline that began with “It’s Like That.”

In addition to appearing on the covers of such magazines as Essence and Blender, Carey appeared on “The Oprah Winfrey Show” March 2. In mid-March she commenced a three-week press and media tour of Europe and Japan.

She will return to the United States for several release appearances in New York, including ABC’s “Good Morning America,” MTV’s “TRL,” BET’s “106 & Park,” CNN and the “Tisha Campbell-Martin Jazz Cruise.” Also being discussed is an upcoming tour, which will be booked by Rob Light of Creative Artist Agency.

At the center of all this activity is Carey and that voice.

“Over the past several years, the [music] industry has produced many strong sequels and all-Canadian songs,” Reid says. “Mariah can sing. Her is an extraordinary gift.”

Carey is managed by Benny Medina of Handprint Entertainment.

Sillerman

Continued from page 1

In addition to “American Idol” and versions of the format in 30 countries, 19 Entertainment comprises a record label, as well as a management company whose clients include Annie Lennox, Emma Bunton and Dave Stewart. There is also an exclusive global joint venture with soccer star David Beckham and his wife, former Spice Girl Victoria Beckham.

19 Entertainment has visionary people in place, an effective and completely understood plan of the creation of content, partnerships in that area, and what we hope are intriguing growth opportunities.” Sillerman says.

The 19 deal follows CKX’s winter acquisition of an 85% interest in Elvis Presley Enterprises (Billboard, Dec. 25, 2004). That deal, worth about $100 million, gave the company control of Graceland and the surrounding properties in Memphis, as well as revenue derived from Elvis’ music, films and TV specials.

Indeed, CKX may well be creating a new entertainment business model.

“We do find that the traditional distribution of investment, i.e., the major labels, the studios and the networks, have sometimes hung on to distribution methodologies and to economic models that are rooted in the past, even when there are very few ways to access content,” Sillerman tells Billboard.

Consumers now have many different ways of accessing entertainment, Sillerman notes. “And we believe this is the time to partner with the content and help them reshape the economic paradigm and the relationship with the distributors of that content,” he says.

“[We] can find that is to be partners with the best, and so far we think we’re two for two.”

19 AND COUNTING

For Fuller, the time to sell was right. “For me, it’s one of those brilliant times in your career when you can just take stock and figure out, with this additional resource and clout behind us, how to use that and what we will focus on,” Fuller says. “So there’s a whole host of opportunities and ideas.”

The acquisition of Fuller’s multifaceted company directly fits into the CKX master plan. “CKX is all about aligning ourselves with the best content and creators of content across broad media,” Sillerman says.

“There is no better example of an affected plan to create content and a person who has created it than Simon Fuller, 19 Entertainment and ‘American Idol.’

Fuller, who founded 19 in 1985, will become a director of CKX and will play a key role in planning and implementing the company’s overall creative direction. He will also retain autonomy of 19. “We’re in partnership,” Fuller tells Billboard. “We have stakes in a new company. My stake is as important to me and relatively big to me as his is to him. He’s a multi-bilionaire and I’m not a multi-billionaire yet. But relative to individuals, it’s very important to us both.”

So why sell? “I think [Sillerman] brings phenomenal business acumen,” Fuller says. “Sillerman is a very powerful entity in America, with business clout. So it’s the resources and that which is all about allowing entrepreneurs to flourish and giving me all that I need.”

Fuller says he will likely spend more time in America to work on the additional plans for CKX and to expand there. “With 19, I think we could just raise the game because of the resources we now have,” he says. “The CKX element is very exciting for me.”

Fuller points out that 19 is more than just music. “I think 360 degrees in music is fine, but still quite limiting,” he says. “Music is an important element of entertainment, but it’s entertainment. I think the real winners are the people who acknowledge that and approach music in the broadest possible way. How music interacts with television, film, all the new media, all the new technology that’s arriving.”

NO SNAGS

This is not Sillerman’s first foray in management. In 2001, he tried to purchase the Firm for $200 million, but that deal ran into trouble because of Sillerman’s non-compete clause relating to the sale of his company, SPX (Billboard, Jan. 20, 2001) to Clear Channel in 2000. But Sillerman says there will be no such issues with the 19 acquisition.

All non-competes have expired, Sillerman says, as of Feb. 1, including those relating to the touring industry. “American Idol” tours have been remarkably consistent for unsigned artists, and have been produced in the past by AEG Live. With the expiration of the non-competes, CKX could produce these tours in-house if the company so chooses.

“But that is very unlikely,” Sillerman says. “Our goal is to be partners with the artists and not interfere with maximizing their opportunities for distribution, so as such I think we’ll leave the touring to Clear Channel, AEG or anyone else who has an interesting opportunity.”

“American Idol,” which has produced arena-level touring and platinum recording success from previously unknown artists, may be the best way to break an artist today.

“There is no question that the kind of exposure you get through ‘American Idol’ is actually unrivaled in contemporary history,” Sillerman says. “We think the biggest opportunities that are not yet being taken advantage of, and we hope to be able to partner with some people in trying to prove that model.”

Ask if more CKX acquisitions are imminent, Sillerman says, “It would be disingenuous of me to say CKX is going to exist with the Elvis Presley businesses and the 19 Entertainment businesses. The idea would be to be able to successfully partner with people and acquire other businesses. Having said that, there’s nothing in the pipeline and nothing in deep negotiation. Our hope is in the future there will be.

The perception of many in the entertainment business is that Sillerman is intent on rolling up a behemoth, then selling it, as he did with SPX.

“I think it would be against people’s perception,” Sillerman responds. “Our responsibility is to operate and partner with people and operate the businesses as if we’re going to own them forever.”

“Think it would be a foolish plan to try and buy things for the sole purpose of selling them. You have to operate with complete integrity with an attempt to maximize their potential in both the short term and the long term.”
Rebounding Buzz

Grammy Wins Help Acts Move On Up

BY BOB SMITH

Repeat after me: It is good to win a Grammy Award. It is good to . . .

That is the lesson of this month’s Buzz Chart. It is especially true for those who took to the time a moment. With a host of new artist trophies helping it along, the band reins in the top spot on the 13-29 and 13-50 charts.

Maroon5 knocks last month’s chart-topper down, but the Grammy for “Best Rock Song” helps it settle back. The band’s latest release, “Sugar, Sugar,” is poised to be the year’s biggest hit. The song’s catchy hook and release date have helped it to rise to the top of the charts.

Scher

Continued from page 7

he left. “Since I last promoted in 2001, the touring landscape has dramatically changed, and is now dominated by big companies like Clear Channel and Lucrative Music,” Scher tells Billboard.

“Even so, I am incredibly enthusiastic about the opportunities that exist for independent promoters now,” he continues. “The opportunity is to go back and be producers of entertainment events, not just promoters of them.”

Scher says Metropolitan Talent was always conceived as a multifaceted entertainment company, with label, management, and now live-event components.

“Will be able to compete on the level that I did throughout my career from a volume perspective? I don’t think that’s possible anymore. But I do have the opportunity to do something I love and [create] a very successful niche.”

Scher previously produced a number of national tours, including Family Values and Up in Smoke, as well as promoting regional Grateful Dead shows and producing Woodstock ’94 and Woodstock ’99. Meanwhile, the legal wrangling between Scher and CCE goes on.

“Scher may be back in business, but it isn’t over yet,” CCE spokeswoman Susan Elmore says. “The judge ruled that Scher was bound by a valid non-compete that expired in March 15. We believe Scher violated that agreement several times.”

Scher contends that CCE inherited the non-compete agreement and that Metropolitan Talent Presents and CCE are just two components of the same company.

Deboisevich also in his order that “it is unlikely that Clear Channel will prevail on the merits of the claim that Scher violated the July 11, 2003 (non-compete) order.”

He tells Clear Channel is likely to prevail on its claim that Scher violated the July 11, 2003 (non-compete) order. Meanwhile, the case between Scher and CCE continues, with antitrust claims by Scher against CCE in the wake of Covanta’s bankruptcy.

“Clearly, if you’ve been a fan of one of the acts on the label, you may be interested in these issues,” Scher says. “I’d like to set the case and be left alone to operate in the concert business. Absent of a potential settlement, discovery will continue.”

Live Music

Continued from page 8

European festivals body YAPPe and Britain’s Agents Assn.

Brussels-based lobbyist group the European Music Office welcomes the arrival of a new European trade organization. “It will be our role to support this initiative in Brussels,” EMO director Jean-François Michel says.

Several live music executives and promoters are less receptive to the new body. Gerard van Duykeren, COO of Dutch organization International Crew Management and Security Group, says the ELMF needs to clarify its position.

ICMS has always been positive towards any initiative taken by the industry to take crowd management and crowd safety to a higher level. But at this moment, I do not know what the aims and objectives of the newly formed ELMF are,” he says.

Fostering recognition of the live sector’s contribution to the European economy is another collective ambition of the ELMF.

“Few people realize that the live business in Europe is bigger in generating revenue than the record business,” Jenner says. “It creates more employment in Europe; it creates more tourism in Europe. Without a healthy live industry, there’d be no good records. Ultimately, we want the live market to grow.”

Get your daily dose of news as it happens: www.billboard.biz
understand sources and mobile services, but it is far more complex than in the physical world," Kennedy notes.

He is convinced that the 2004 statistics included digital sales, the overall market value would have been flat compared with 2003. Industry estimates put down loads at 1%-1.5% of the overall market value; for 2004, this would amount to $336 million-$490 million.

The IFPI says digital sales were "exponentially" in 2004. In the four major digital music markets—the United States, United Kingdom, France and Germany—more than 200 million downloads were sold, 10 times as many as in 2003. It is anticipated that the trend will continue in 2005, based on sales patterns during the first two months of the year. Outside the United States, 2004 was the year the industry began to fight against illegal downloading with lawsuits. Kennedy sees in the annual figures "the beginning of the impact of litigation. People are starting to understand more what they can and cannot do. There will be more waves of litigation to come, and the impact will get stronger."

BY THE NUMBERS At $28.9 billion, CD album shipments in 2004 were down 0.9% from 2003. CD albums accounted for 96% of total shipments, the same figure as the previous year.

"I am convinced the CD market will still be relevant by the end of the decade," Kennedy says. "We should not write it off too soon."

Total shipments of audio formats (CD, vinyl, cassette, MiniDisc, Super Audio CD) fell 2.6% to $30.9 billion. But music DVD jumped 23.2% to $2.7 billion; the format now accounts for 8% of the total market, versus 6% in 2003, but on a positive note, there appears to be improved performance from the top-selling albums.

The value of 2004's top 10 albums rose 14% from that of 2003, while the top 50 albums were up 8%. According to the IFPI, eight albums sold more than 5 million units in 2004, versus five in 2003. The top-selling album in 2004 was Usher's "Confessions" (LaFace/Zomba), followed by Norah Jones' "Feels Like Home" (Blue Note) and Eminem's "Encore" (Interscope).

The United States remained the world's largest music market, increasing its wide margin on No. 2 Japan. U.S. shipments were up 2.5% in 2004 to $12.1 billion.

The United Kingdom, meanwhile, posted gains to $5.5 billion.

In continental Europe, "there are no real surprises and a couple of disappointments," Larsen says. "France continued to decline, Italy and Spain are still weak, and Sweden is down to a level unimaginable a few years ago, and it's a pity."

Larsen says the situation in Germany in 2004 was "very depressing" but improving; new talent was particularly strong there. Shipments in the territory fell 4.2% to $2.1 billion.

Maarten Steinkamp, head of continental Europe for Sony BMG Music Entertainment, says 2004 "was a year of transition in Germany. You've had changes at the top of nearly all the major companies," he says. "There's now a new generation of managers with more realistic views and a new thinking. I think we can reason optimistically about the future. We took a beating there, but not yet recovering."

As Germany moves on, France has become Europe's new exciting territory, with 2004 marking the second straight year of 14% growth. As a result, Germany has overtaken France as the world's fourth-largest market.

Steinkamp says France is only experiencing what has already happened to its neighbors and contends that there are signs that the decline is not a "disaster," he says. "There's very vibrant local repertoire. And France can also learn from the mistakes made elsewhere and avoid them."

Spain, however, is a different story: The market fell 12.5% to $573 million. "If you want to learn about the ultimate forms of piracy, then look to Spain," Steinkamp says. "But there's a great local scene. We keep our heads down, and we keep fighting."

Asia, meanwhile, experienced mixed results in 2004.

Japan was down 1.8% at $51.1 billion. Larsen points out that the
decline is at "a slower pace" than in previous years. "We could still see a turnaround there," he says.

Elsewhere in the region, the lesser-developed markets—such as China, India, Indonesia and Thailand—registered growth, while Hong Kong, Singapore and South Korea showed declines.

Sony BMG Asia president Richard Denekamp, who is also chairman of the IFPI's Asia Regional board, says he expects current Asian market trends to continue throughout 2005.

Denekamp says Taiwan seems to be bottoming out and points to South Korea as a possible indicator of future trends. "While the physical market in Korea could be a free fall, legitimate digital—particularly mobile—revenues have already outpaced physical sales in 2004," he notes. "It's the first market in the world to see this phenomenon of digital sales outpacing physical sales."

In Australia, retail value fell 6.1% to $717 million, disappoi
nting retailers. Meanwhile, in the United Kingdom, the territory, which has held its ground for the past four years. "It would have been a worse figure if it hadn't been for the current renaissance in Australian and British acts;" George Ash, managing director of Universal Music Australia, says. "Local acts have been striking a chord with audiences here, and renowned companies have been starting to work particularly hard at breaking them."

Other positive factors, Ash says, are that "record companies are learning to adapt more quickly to the online market, and the economic and top-selling acts such as U2 and Eminem are selling more units, faster."

Latin America, meanwhile, saw total sales grow 12.6% to $1 billion. Sony BMG's Frank Welzer, chairman/CEO of the Latin region, says this is mainly due to "the emergence of DVD" as well as recovery in Brazil and, to some degree, Argentina. Welzer says piracy remains a massive problem, with levels exceeding 50% in every Latin market.

Still, Welzer, who sees business opportunities in the region from online and mobile digital distribution, is optimistic. "Majors have all stepped up their downsizing and trimming of rosters," he says. "We expect to be in an even stronger position in 2005."

Additional reporting by Leila Cobo in Miami, Christie Eliezer in Sydney and Steve McClure in Tokyo.
is "capable" of being used for non-infringing purposes—should be liable for secondary infringement, especially when the company could prevent the侵权行为 without unreasonable expense.

As one aspect of secondary liability, they argue, "contributory infringement" means that a company should be liable for creating, maintaining and expanding these types of services. The petitioners argue that Grokster and StreamCast did more than this: they say the two companies actively encouraged and assisted infringing activities by "promoting themselves as sources of infringing content" and by "deliberately disabling and avoiding mechanisms that would limit infringement.

Under another part of secondary liability, the petitioners claim that a company should be liable for "vicarious infringement" when it has a direct financial interest in the infringement, even when it has no control over the infringing activities. The petitioners claim that Grokster and StreamCast have this interest, direct financial interest, by profiting from selling their technology through their sale of advertising, that they purposely changed their software to become decentralized and avoid control over the user and that they have used the new infringing software for infringing purposes does not subject them to liability for providing the technology.

They argue that the court should not consider any past alleged activities that may have encouraged or aided known infringement, because these activities were not a part of the motion that led to this review. Also, any claims based on past versions of the software or past activities that went beyond the normal offering and use of the technology were not covered by the motion; they are part of the ongoing case. Therefore, the court cannot consider the claims, they assert.

The companies also focus on the versions of software reviewed by the Ninth Circuit Court of Appeals. Grokster and StreamCast argue that they could not control individual infringing acts on these versions when they actually learned about users infringing. They would argue, therefore, that they cannot be liable for those infringements.

Finally, the companies argue that only Congress "is institutionally suited to assess the harms presented by decentralized" P2P file searching and sharing, to assess its real-world effects, to decide when legislative intervention in market expansion is required and to choose among possible consensual legal regimes.

BIBLIOGRAPHICAL

With two P2P companies on one side and 38 entertainment companies plus a certificated class of 27,000 songwriters and music publishers on the other, the image of David fighting Goliath could come to mind. It is not for the fact that many powerful companies filed amicus briefs supporting the position of Grokster and StreamCast.

In all, more than 200 individuals, companies, trade groups and non-profit organizations, representing "hundreds of thousands" of parties worldwide who believe the decision will seriously affect them, filed 35 amicus briefs with the Supreme Court.

The U.S. government, represented by Acting Solicitor General Paul Clement, and more than 100 other parties support the entertainment industry and want the decision reversed.

Major telecoms, technology companies and a trade group representing more than 450 U.S. venture capital firms are among about 100 parties urging the court to affirm the decision in favor of the P2P companies.

Others support neither side; they seek a "circuit-free" legal guideline.

While the case is pending before the Supreme Court, the Senate is standing by for the decision before moving ahead with legislation on related copyright.

Sens. Orrin G. Hatch, R-Utah, and Patrick Leahy, D-Vt., filed a joint amicus brief as neutral parties. They co-sponsored the Induce Act (H.R. 2016) and the Copyright Act of 2004, which pertains to secondary liability for inducing copyright.

Hatch and Leahy, leaders of the Senate Intellectual Property Subcommittee, say they disagree with the appellate court, the P2P companies and others who claim "that the entire burden and penalty of determining infringement liability rests with Congress" and not the Supreme Court.

The brief says they look to the court to decide whether certain kinds of file-sharing services should be secondarily liable for copying money into lobbying firms. Interpreted with the legal arguments, the amicus briefs are a list of the specific concerns.

One of these concerns is that business models may have to change to combat file sharing or to deal with the obligations that accompany innovation.

For example, members of the Business Software Alliance want the appellate court decision reversed. BSA members create and supply 90% of the world's office-productivity software. They say that illegal copies of their products are widely available on illicit file-sharing networks. Their brief states that in 2003, they suffered financial losses from infringement in the United States estimated at $6.5 billion.

Members of the National Assn. Venture capital firms also want the decision affirmed. Creating a legal standard that requires an inquiry into the motivations or incentives of the infringer or the proffered amount of infringing and non-infringing uses "would have a devastating impact on product innovation," they say. It would invite costly and time-consuming litigation "launched by entrenched businesses to quash startup ventures."

The decision may also affect law enforcement. Nonprofit organizations representing the interests of parents, children and law enforcement officials are concerned that the decision, if it stands, will spawn a proliferation of anonymous, decentralized and untraceable P2P networks that facilitate activities against children and frustrate law enforcement efforts to detect and investigate these crimes.

Forty state and territory attorneys general believe that permitting Grokster and StreamCast to evade liability for secondary infringement liability doctrines and foster lawlessness and an unaccountable business culture.

The American Civil Liberties Union, the Electronic Frontier Library, and others urge the court to affirm the decision, but to adopt an interpretation of the law that promotes free speech and innovation on the Internet while protecting legitimate copyright interests.

RIFFLE EFFECT

The court's opinion may also have financial consequences for many individuals and companies in addition to the parties to the case. Labor organizations for the entertainment industry say their members' entitlement to health benefits depends on them reaching a minimum earnings level. Lost sales resulting from piracy can mean lower pensions and loss of health insurance for members and their families.

Those who contribute to the creation of recorded music and other entertainment urge the court to consider that the livelihoods of those who work behind the scenes to help artists make great records are threatened by the massive, unfettered copyright infringement fostered by businesses like Grokster and StreamCast. Performing right organizations, international copyright holders and a variety of trade organizations are also affected.

Yet 22 musical artists asked the court to affirm the decision in favor of Grokster and StreamCast. Their brief describes these artists as supporting P2P technology—they either want to provide their music through P2P networks or are receiving a benefit from the new technology that it will create new rules or attempt to clarify old ones for the digital age—likely the most likely.

The court will also consider the propinquity of the parties, the likelihood that the dispute will again come before the court and the inconvenience that would be caused to a party who is a non-participant in the case, the court on the remainder of the pending case and on all concerned parties and industries in the future.

The decision is expected to be made before the court adjourns for its summer recess.

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It all started with a 4-inch-by-9-inch ballot in the Dec. 7, 1964, issue of the Canadian music trade publication RPM Weekly. The ballot asked subscribers to “help RPM pick our year-end notable Canadian artists and industry figures.” Today, Canada’s annual Juno Awards include several days of performances and two awards shows, one televised nationally by CTV.

These days, the Junos are presented by the Canadian Academy of Recording Arts and Sciences, which was founded in 1975. Among the founding board members was Ross Reynolds, then the president of independent label GRT Records.

Reynolds went on to senior executive positions at WEA Music Canada and MCA Records Canada, rising to chairman of Universal Music Canada in 1988. At MCA/Universal, he is credited with overseeing the breakthroughs of such domestic acts as the Tragically Hip, Trooper, Triumph and Sloan, and developing distribution ties with top Canadian indie True North Records.

The veteran executive is now chairman of CARAS in 2001. The trade group now operates with a permanent staff of six and brings in additional staff six months before each Juno event.

“We have over a thousand volunteers working on the Junos,” Reynolds says. “The nominating and voting process is incredibly labor-intensive.”

The awards have come a long way from the early days as the brain-child of RPM Weekly publisher Walt Grealis and Canadian record producer Stan Klees. Initially known as the RPM Gold Leaf Awards, the honors took on their current name in 1970 in tribute to Pierre Juneau, the first chairman of the Canadian Radio-television and Communications Commission, when they were formally presented for the first time in Toronto.

CARAS began producing the Junos in 1975, with Grealis and Klees staying on as consultants and overseeing ticket sales. In 1984, CARAS secured full rights to the show from RPM Weekly.

The Junos moved to Hamilton, Ontario (an hour from Toronto) in 1995, following two years of labor disputes in Toronto. That was the first Junos to be open to the public. The event returned to Toronto in 2000 and has since been held in St. John’s, Newfoundland & Labrador (2002); Ottawa (2003); and Edmonton, Alberta (2004). This year’s activities take place April 1-3 in Winnipeg, Manitoba.

Since 2002, several public entertainment events have accompanied the Junos, including Junofest, which presents concerts in the host city. The awards are held over two nights. The non-televised Juno Gala Dinner and Awards Ceremony takes place on the evening preceding the televised Juno Awards.

Hosted by Canadian TV star Brent Butt, this year’s televised show will feature performances by Neil Young, K.d. Lang, Simple Plan, k-os, Feist, Alexisonfire, Billy Talent, the Tragically Hip and others.

Q: What was the motivation behind the founding of CARAS?
A: I was on the founding board of directors of CARAS in 1975 that was involved in Juno negotiations with Stan Klees and Walt Grealis. We wanted the event to go on television; they thought it wasn’t ready. We also felt the Canadian music industry was starting to grow up, and some governance had to be put in place so our industry awards weren’t under the control of a music trade magazine.

Q: What was the state of the Canadian music industry then?
A: There was a budding star system happening regionally, but there was no national touring of Canadian artists. A very significant role of the Junos in its early days was that viewers could see some very exciting acts from different parts of the country.

Q: What is your memory of the first televised Junos in 1975?
A: It was a real coup to get Paul Anka to host the show. That indicated that we were serious about putting on a quality show.

Q: How important is it to have a legend like Neil Young perform on the show this year?
A: We are so pleased, particularly with Neil’s statement several years ago when the Junos almost went to Winnipeg. He said then, “The only way I’ll play at the Junos is if they are in Winnipeg.” True to his word, he’s doing it.

Q: What is the thinking behind moving the Junos around to different cities?
A: The key change for us was being in St. John’s in 2002. The province of Newfoundland & Labrador as well as the federal government’s Atlantic Canada Opportunities Agency made very significant financial contributions to the show to get it there. That gave us the opportunity to expand the event into a weekend of activities and bring more things to the fans. In St. John’s we also had a new broadcasting partner with CTV. CTV gave the Junos and brought us along, but sometimes a relationship gets stale. CTV has revitalized the Junos. They are very strong in promoting and cross-promoting the show with their different properties. Next year, the Junos will be held in Halifax [Nova Scotia].

Q: Did moving the Junos to an arena setting in Hamilton in 1995 change the nature of the event?
A: That was to get the fans involved. Industry audiences, unfortunately, have a show-me attitude and tend to sit on their hands. The fans make the show exciting. One of the added benefits of an arena show is we get the revenue from ticket sales, which have been very significant.

Q: Has it become a show primarily to sell records?
A: The show is all about getting Canadian fans excited about Canadian music. I’m always intrigued when journalists pontificate that the Junos are nothing more than a vehicle to sell records. My reaction is, “And your point is?” If the Junos can help sell records in Canada, it will. Year after year, you see very significant sales bums from artists being on the Junos.

Q: An ongoing criticism is that the Juno process—particularly the televised show—is dominated by the major-label interests. Is that a fair criticism?
A: Not true. You go with acts that you feel work for the televised show and will help television ratings. Almost by definition those acts are concentrated with the majors. We have a tax talent committee made up of a broad representation from across the industry. We try to have representation from all of the various interests.

Q: In 1998, VIK Records rap trio Rascalz caused a flap in Vancouver by refusing their Juno for best rap recording because the rap, reggae and dance awards were not in the televised portion of the show that year. The televised program has only rarely spotlighted alternative, folk, country or even jazz. Why is this?
A: One of the challenges we have each year is trying to represent as many genres as possible yet still try to put on a strong TV show. What happened in Vancouver sent a wake-up call to the industry that was overdue. Rap and hip-hop are, of course, such a significant part of our music culture today. This year there will be a fairly eclectic mix of musical acts, but some genres don’t work as well on a national broadcast.

Q: How has CARAS been attempting to broaden its membership in recent years?
A: We have been out there trying to increase the membership, which is approaching 2,000 members. The CARAS board is representative of a broad cross-section of the industry. We have broadcasters, artists, publishers, managers as well as major and independent labels represented. Anyone who says CARAS is a tool of the majors doesn’t understand the working of our board.

Q: What are your favorite Juno memories?
A: The Juno moment for me was in 1985, when Bryan Adams sang “It’s Only Love” with Tina Turner. Bryan was pretty young then, and Tina came out on stage looking as if she was going to tear him apart. Another magic moment was in 1986, when Bob Dylan gave the Canadian Music Hall of Fame award to Gordon Lightfoot.
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Since securing this position in 2003, we have forged ahead with the objective of increasing our footprint in the urban video market. In a recent study conducted by Ventura Entertainment and Adams Media Research, Videobase data was extrapolated, reflecting the overall urban sell-through DVD market for 2003. This report included all major studio releases inclusive of theatrical to DVD, TV on DVD and straight to DVD features. As a result of this analysis, we are pleased to announce that UrbanWorks Entertainment has grown to capture 6.5% of the entire urban DVD market. This is an astounding accomplishment and we want to thank all of you that have helped and supported us in our mission thus far.

Our achievement in this category has been fueled by the launch and creation of immensely popular and successful video brands such as: the Time Life video series "Del Comedy Jam," the UrbanWorks original comedy franchise "Platinum Comedy Series," BET Pictures' Anaswale film series, the "And I Mix Tape" series franchise, and most recently, the "Fat Albert and the Cosby kids - The Original Animated Series." Combined these franchises account for more than 4,000,000 units sold.

In 2005, we continue to fuel our growth by making an exclusive North American distribution deal and brand management partnership with comedy powerhouse Carew-Werner Distribution to bring two of its most popular TV properties to DVD, "The Cosby Show" and "A Different World." These classic programs dominated prime-time TV from 1984 to 1993 emerging as two of the most critically acclaimed television programs in American history. We are proud to bring these classic programs to DVD for the first time.

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