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Record Club Settlement Is A Copyright Fringe

BY PETER PRIMONT

The proposed settlement in the Ory case—the class action against the two big record clubs—with its new licensing scheme for the clubs, is startling and unsettling a piece of prose that I have read in years. Like a Stephen King novel, it ofters another stomach drop with each turn of the page. And like a Stephen King novel, if you haven’t read it, you really should.

The first scary thing is that the lawyers pushing the proposed settlement through are on the plaintiff side. These lawyers are acting nominally on behalf of song writers and publishers; they are fighting for us. When you see the settlement they have proposed, you will see why I am frightened to have these guys on our side.

I have spoken to many publishers, writers, managers and attorneys and have yet to find one who thinks the settlement extracted in our name is a good idea. Most notably, veteran artists’ attorney Bob Donnelly says, “For decades the record clubs have defied the Copyright Law by not directly licensing compositions or paying the minimum statutory rate. This settlement rewards this bad behavior by allowing them to continue to avoid the same music licensing obligations which apply to every other aspect of the music industry.

The second scary thing to leap out of the closet is that this is a “negative option” scheme. The record clubs will post on a special Web site the license they feel like getting. If, within 30 days, the rights holders have not found out about it and objected in writing, the proposed license becomes an actual license.

Attorneys general in many states have opposed negative options in lots of industries, and with good reason. They are fundamentally unfair. They shift the burden for ensuring legal licensees to the rights-holder, effectively making any license to your property legal unless you do something about it.

But wait—it gets scarier. The negative option is guaranteed only for a sole owner. If a song has more than one owner, then they all have to object in writing, or the license is valid. Of course, multiple owners have always had the right to grant nonexclusive licenses, but this is worse. In this case, you could be stuck if your co-owner is just lousy at paperwork. Do you know anyone in publishing who is, um, not the best at the paperwork thing? I know a couple.

Still another scary thing: The settlement will apply to anyone in the plaintiff class who does not opt out, and the plaintiff class includes anyone the record clubs have advised in the past—whether or not they realize it. That’s a lot of people and companies, many of whom don’t even know about the settlement and will, in a grotesque irony, be saddled with giving this huge boon to the record clubs by the fact that the record clubs did them wrong.

What’s more, if you want to opt out—the citizen’s standard defense against lunchy-class-action settlements—you can’t count the documents claim, unless you list all of the songs you control that the clubs missed! This is a huge task, and in many cases, may not be possible. And this comprehensive list has to be filed with the court before June 24. It is an absurdity.

On second thought, this settlement is more like a low-end horror movie than a Stephen King novel. All those monsters, and what do we get for it? A cash payment of $5,000. This is serious money, so serious it conveys the message the lawyers are not selling us on purpose. If they were, they could have gotten a lot more dough than this.

As we know from other battles in our industry, settlements can take on lives of their own, lasting decades and penalizing people not even born when they were signed. And in this case, it is unnecessary. Congress long ago created a licensing scheme under which the record clubs can get all of the licenses they want. It is called the compulsory mechanical license, and if we publishers and songwriters are paid the statutory rate, we can’t say no. If the clubs don’t like the rate, that is another discussion.

We have retained counsel to try to show this monstrosity back in the closet. But just to be clear, as an independent music publisher representing more than 50,000 copyrights, on behalf of ourselves, our affiliated companies, our writers, our co-owners, and in any role in which any of our companies or employees have any legal say whatsoever on the licensing of any musical work, we hereby repudiate this settlement in its entirety. We will have no part of it, and we urge you all to do the same.

Peter Primont is CEO of Cherry Lane Music Publishing.
Reggaetón Star Calderón Leaps To Atlantic

Reggaetón, the hot Latin rap/reggae phenomenon, is crossing over into the mainstream with the signing of Tego Calderón to Atlantic Records.

Calderón, who first came to public attention with his 2003 album "El Abayarde," has inked a deal with Atlantic via a partnership with his own label, Jiggiri Records. Calderón will be the first Jiggiri artist to be released on Atlantic. Moreover, he will be the first Spanish-language act signed to Atlantic to release a predominantly Spanish-language album:

"We will try to delive a little in English, but it won't be something too obvious," says Calderón, whose album will include collaborations with Don Omar, Eddie D and at least two major English-language urban acts. "It's not like we're trying to make that much sought-after crossover, I don't want to force things. My Latin audience has taken me to where I'm at, and I don't want to seem like an ingrate."

Calderón is putting the final touches on the album, which is slated for an October release and will carry English and Spanish titles—"The Underdog" and "El Subestimado."

It will be treated and promoted like a major Atlantic Records release. Atlantic co-chairman/COO Craig Kallman says, regardless of the language, "Tego is someone whose own life and music has such a depth of understanding as an artist, culturally, socially, politically, and, to me, he is the most respected figure in the reggaetón movement."

Kallman says, "This album, as a body of work, will be such an important statement to the entire movement."

Although continued on >>p8

Antonelli To Exit RED; Labels Await Successor

RED Distribution president Ken Antonelli resigned June 3, raising concern among executives at the indie labels distributed by the Sony BMG subsidiary. Executives at more than 10 imprints contacted by Billboard expressed concern for the way RED had been run under Antonelli and a strong desire that the distributor continue to operate autonomously from Sony BMG.

"Ken got stuff done" says Steve Reddy, owner of RED-distributed Equal Vision Records. "I'm not a big fan of change when I think something is working right."

RED, which distributes approximately 40 labels, has a U.S. market share of nearly 2%, making it the No. 1 indie distributor. Rumors of change at RED have been circulating for months. As part of the 2004 Sony BMG merger, the companies' distribution arms were consolidated under the new Sony BMG Music Entertainment Sales umbrella. Antonelli, who had reportedly top Sony brass, began reporting to Sony BMG Sales Enterprise co-presidents Bill Frohlich and Jordan Katz; sources familiar with the three say there was friction in the relationship. In addition, RED CFO Mitch Wolk exited the company in late April.

The departures of Wolk and Antonelli and the lack of official word from Sony BMG concerning RED's future have fueled speculation that significant changes are afoot for the indie.

"I just wish Sony BMG would announce what they're doing," one indie label executive says.

But sources close to Sony BMG say the major still con-continued on >>p8

The next album by TEGO CALDERÓN will be treated as a major release by Atlantic Records.

( Photo: Rahav Segev/Retna)
CALDERÓN (cont.)

Kallman says the explosion of the reggaetón movement will be a helpful sales and promotion driver for Calderón's album. His commitment to Calderón precedes the current interest in the genre.

The self-managed Calderón first met Kallman after playing a concert at the United Palace Theater in Washington Heights, a heavily Hispanic section of New York, more than two years ago. At that point, he had already released his first, and only, studio album, "El A La Yarde," on indie label White Bird. BMG later picked it up for distribution.

Since the Calderón has gained prominence thanks to myriad collaborations and to a highly visible Hennessey campaign that has featured his face on billboards and magazines nationwide. Perhaps more important, in a reggaetón world dominated by computer-generated beats and loops, Calderón stands out for his musicality, his use of real instruments, and how he blends many Latin rhythms together, from salsa to jazz.

Although many majors approached Calderón, he says he signed with Kallman because of their relationship. "He hasn’t been after me only since ‘La Gasolina’ made it to the clouds," Calderón says, referring to the hit song by Daddy Yankee. "He has always had the same impetus, the same respect. He understands the music and understands what I am and I am not to this genre."

Although sister Latin label Warner Music Latina may help with promotion matters, "The Underdog" will largely be worked in-house, and Atlantic has hired a new Latin team that includes A&R VP D’mingo Ramos. Sources say other major, mainstream labels, including Interscope, are courting major reggaetón acts.

ANTONELLI (cont.)

From >p7

Indies give high marks to Redd

Most labels are taking a wait-and-see approach. Redd says Equal Vision will likely renew with Redd when its deal is up in early 2006.

No replacement for Antonelli has been named. Sources close to the executive say he will stay at RED through the transition.

LATIN

Ritmo Refuses Shakira Set

Shakira’s new album, “Fijación Oral, Volumen 1,” may break sales records. But it will not be with the support of Ritmo Latino. The nation’s largest Latin retail chain is not selling the album in most of its 43 stores, instead handing out flyers that say the Colombian singer’s and her label, Sony BMG Norte, have forgotten the Latin star’s roots.

"We supported her from day one," Ritmo Latino president David Mastery says. "Now that she’s a crossover superstar, Sony and Shakira have very little memory." The Ritmo executive says he is particularly upset that Shakira and her label would not schedule an in-store appearance. "They aren’t giving any Latin chain an in-store," Mastery says.

Shakira was unreachable for comment, and executives at Sony BMG Norte issued a statement: "We value our longstanding relationship with Ritmo Latino and look forward to continuing our work together in serving Latin music fans."

Shakira’s in stores at Virgin Megastore June 8 in New York and at FYE June 9 in Miami were mobbed. At press time, “Fijación Oral” was expected to sell more than 100,000 first-week copies, and was poised to break Ricky Martin’s first-week sales record for a Spanish-language album in the United States. Master sold 65,000 copies of “Almas Del Silencio” in its first sales week in 2003.

Ritmo has canceled its planned order for 30,000-50,000 copies of “Fijación Oral,” according to Mastery, instead ordering a smaller number for Ritmo’s newer stores. Engaging fans receive a flyer (see image) that translates in part, “Shakira and Sony Music do not support the Latin community in the USA.”

Sources at Sony BMG Norte say Shakira wanted to do the in-store, but there was a scheduling conflict, and that label tried to offer the album as an in-store promotion. A source familiar with negotiations between Ritmo and Sony BMG Norte says that Mastery wanted a 52-53% discount on his wholesale price. But Mastery says that only an in-store—now or never—would be sold for Shakira’s next album—will get “Fijación Oral” back on shelves.

The Ritmo executive notes that Universal Music’s Latin crossover star Paulina Rubio, Enrique Iglesias and Marc Anthony promoted their last albums at his stores, but that Sony declined to schedule an in-store for either Martin’s or Shakira’s last albums. “The flyers speak for themselves,” Mastery says. "Sony Music and Shakira are not supporting the Latin community.”

June 7 releases from Coldplay, the Black Eyed Peas, the White Stripes and Shakira have kept music retailers busy, with buyers and owners at stores across the country reporting that the week is on course to be one of the year’s best.

At the Virgin Entertainment Group North America, the chain had its strongest day of the year, "Get Behind Me Satan" (V2), which is expected to tally between 150,000 and 170,000.

Shakira’s “Fijación Oral, Volumen 1” (Epic) is also tipped to move between 100,000 and 150,000, despite the fact that Ritmo Latino, the country’s largest Latin music retailer, wasn’t supporting the album (see story, below).

Mike Camacho, GM of Chicago’s Tower outlet on Clark Street, says the releases have given his store its best midnight sale in recent memory. "The days of having hundreds of people out here at midnight are gone," he says. "This Monday was like the old days."

Now retail is counting on June 7 and the following Tuesday, which sees albums hitting stores from the Foo Fighters and Backstreet Boys, to carry them through the summer.

John Henderson, head buyer at Vintage Vinyl in St. Louis, is not worried yet. “Coldplay and the White Stripes have traditionally been longtime sellers,” he says. "These are not first-week phenomenons.”

Additional reporting by Ed Christman in New York, Leila Cobo in Miami and Geoff Mayfield in Los Angeles.
CMT CROSS ROADS

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Sanctuary Explores Business Options

LONDON—Having established a haven for artists seeking to revive their careers, the Sanctuary Group is looking for a new home.

The London-based independent music company— which has helped relaunch the careers of Morrissey, Robert Plant and Alison Moyet, among others— is considering a possible buyout.

“There have been preliminary talks, which may or may not lead to an offer or a further business opportunity,” the publishing, book publishing, visual entertainment and merchandising. It also owns a number of catalogs, including Castle and Trojan.

“They’ve got a model which will appeal to a bigger company,” one London-based analyst says.

The recently floated Warner Music Group, U.K. public company EMI Group and Sony BMG, with which Sanctuary has an international licensing agreement, have been mentioned as possible suitors. Each company declined to comment.

Some industry observers have poured cold water on interest from music rivals, suggesting venture capitalists were most likely in the hunt.

“The majors may be good at selling product, but we’re not good at managing artists, dealing with all the merchandising and the live music agencies,” Bridgewell Securities analyst Patrick You says.

Some speculate that Sanctuary will spin off its recorded music divisions, which, thanks in part to the notable resurrection of Morrissey’s recording career, generated earnings of £1.8 million ($2.5 million) from a group total of £24.8 million ($35.5 million) from the company traded in the London Stock Exchange.

Details of those meetings have been closely guarded.

“During the past 12 months... [the company] has had exploratory discussions with a number of third parties about a wide range of future potential business development and investment opportunities,” Sanctuary said.

Stock in the company traded up slightly at about 44 pence ($0.60) on the day, giving it a market capitalization of about £205 million ($325 million).

Few in the financial sector were shocked by the news.

“I don’t think it’s a surprise, because they haven’t been generating a lot of cash, which you need to keep growing,” says London-based Lorna Tilbourn, analyst at investment bank Numis Securities, which formerly handled brokerage for Sanctuary.

In a contracting industry climate, Sanctuary Group has continuously expanded. The vision of Cambridge University students Andy Taylor and Rod Smallwood, Sanctuary was founded in 1976 as a management company, working with such acts as Iron Maiden.

Through strategic acquisitions and organic growth, the company has developed a 200-degree business model with interests in artist management, recorded music, music...
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Digital Tops
AAIM Agenda
Trade Body Launches With Rose At Helm

Digital distribution will be one of the first issues tackled by the newly formed American Assn. of Independent Music.

So says acting president Don Rose after digital distribution proved to be a “hot button” topic for many of the 153 labels that Glenn Man WOW’s founders conceded June 5 in New York.

The meeting served to formally launch the trade body, which, according to Rose, will tackle any situation in which music is the issue. The AAIM label is valued less than that from a major.

Independents have long complained that their payments from such digital distribution services as Apple Computer’s iTunes are lower than those given to the majors.

“Everyone believes the digital realm will become a larger piece of the overall revenue pie, and now is the time to establish principles of fair treatment before precedents are set,” Rose says.

AAIM is the first trade body dedicated to the indie sector since the Assn. for Independent Music dissolved last year. Unlike AIM, which included distributors, AAIM is a label-centric advocacy group model after Britain’s Assn. of Independent Music.

AAIM’s interim board members are Bat, None Records owner Glenn Morrow, Beegars Group CEO Lesley Bleda, Roadrunner Records Senior VP/GM Doug Keogh, Lookout Records co-owner Molly Newman, Thirsty Ear president Peter Gordon, Tommy Boy Records owner Tommy Silverman, and TCV Records president Steve Gottlieb.

Rose says AAIM hopes to hold elections in September, at which point board positions and the presidency will be finalized. The group is offering independent labels one- or two-year memberships. Rose says rates will vary and will be based on a label’s Nielsen SoundScan 2004 market share.

In the coming weeks, Rose says, AAIM will begin offering an associate membership for non-labels in the independent sector. Associate members will not have voting power.

AAIM intends to open a New York office in coming months. Additionally, Rose says a West Coast meeting similar to the June 6 session is in the works. Silverman adds that AAIM may form regional committees and is also considering forming a separate committee for each genre.

The AAIM board enlisted executive search firm Hudson Gain in its search for a leader. Hudson Gain president James Celenato says nearly 200 candidates were considered before the appointment of Rydik founder and former CEO Rose.

From his label days, Rose knows the frustrations the smaller labels can face. He remembers an instance when Rydik developed a “half-a-million-dollar marketing campaign” to launch a single that featured one of the industry’s “major artists.” After meeting with “a major music video outlet,” Rose says, he was told the single would not be played because it was on an independent label.

“My jaw dropped,” he recalls. “I picked myself up and walked out, and I felt if there ever was a way to reestablish myself in my lifetime, I would jump at the opportunity. I believe I have the opportunity.”

Lookout’s Newman says AAIM is about much more than leveling the playing field between majors and indies, pointing to a lack of affordable health care. “It’s about anything that can help a label run better,” she says, “and hopefully save a label money.”

SpinArt president Jeff Price says he has already joined AAIM. “If the Beggars Group or TCV steps forward and creates something that will benefit them, it will benefit me,” he says. “I’m excited to hitch my little car on that big train.”

EMI To Test Copy-Protected CDs
In U.S., U.K., Other Markets

EMI will begin commercial testing of copy-protection solutions in the United States and the United Kingdom in the coming weeks, Billboard has learned.

The move is a preamble to a more aggressive copy-protection push set for later this year, when the majority of its new titles will be released on secure discs.

“We see this as one step towards reducing part of the problem with piracy from peer-to-peer file sharing, says EMI’s senior VP of global content protection for EMI.

In the technology EMIs will test this summer, users will be able to rip a full disc onto one computer, but any individual track seven times and make up to three full copies of each album. All burned discs will be sterilized, meaning that it will be possible for consumers to make copies of the copy.

“We think that [scenario] is reasonable,” says Adam Klein, executive VP of strategy and business development for EMI. “Outside of that, someone is trying to be a bit more entrepreneurial with our assets than we think is appropriate.”

EMI will use three companies in the coming trials: Macrovision, who currently make up about 70% of legal digital music consumers—cannot transfer music from secure discs to their portable players. So far, the discs only work with devices that use Microsoft’s DRM. Apple declined comment.

“With this to succeed they need Apple’s cooperation,” says Mike Goodman, senior analyst of media entertainment and strategies at the Yankee Group. Cottrell says EMI is actively lobbying Apple to support EMI’s copy-protection solutions, and that he is confident the issue will be resolved.

In the presidency of the upcoming Great Entertainment Applications conference, Rose says. “The labels have more leverage to get Apple to license their DRM than anybody else does because ultimately iTunes is dependent upon them.”

However, some labels are ready to move ahead with copy protection, with or without Apple.

“Apple could flip a switch tomorrow and tracks from secure discs would be transferable to iTunes. This is not our problem,” says Klein.

“Apple’s problem,” says Klein. “Tom Hesse, president of Digital Business for Sony BMG, told Billboard in a recent interview. "Apple decides that the buyers of iPods should not be allowed to rip CDs into their systems, that is what the buyers of iPods should know. That’s a consumer decision.”

Billboard, CTIA In Mobile Confab Pact

CTIA—the Wireless Assn., has selected Billboard as the exclusive provider of digital and mobile entertainment educational programming for its annual conferences.

As part of a multi-year partnership, Billboard’s new Mobile Entertainment Content, Commerce & Applications conference (MECCA) will open CTIA’s annual events, beginning Sept. 26 with the Wireless 1. E 2005 convention at the Moscone Center in San Francisco.

MECCA attendees will have access to the CTIA exhibit floor and keynote sessions as well as Billboard’s customized, exclusive programming featuring executive-level panelists discussing the trends, challenges, business models and opportunities facing the wireless entertainment industry.

Sessions will examine the future of ringtones and mobile music, expectations for mobile film/TV, the growing market for mobile games, the emergence of branded entertainment and other issues.

“With over 2 billion mobile devices active worldwide by 2007 and 140 million wireless data users in the U.S. by 2008, wireless entertainment has the opportunity to be huge—and television, radio and online media," Billboard president/publisher John Kilikullen says.

MECCA and the partnership with CTIA are Billboard’s latest steps to showcase the growing importance of mobile entertainment. In the last year, Billboard introduced a CTIA-endorsed ringtone chart and expanded mobile industry coverage in the redesigned magazine and on the billboard.biz Web site. Next month it will launch a global mobile application featuring ringtones, news, charts and other music information.

“This partnership between CTIA and Billboard is a win-win for attendees to CTIA’s events," CTIA president/CEO Steve Largent says. "Billboard’s participation will greatly enhance the quality of an already fantastic event, undoubtedly raising the bar for all conferences to come."
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MSN Music Giveaway

Buy One, Get Five Free Downloads Through July 10

MSN has launched a promotional and advertising campaign for its MSN Music store, offering five free music downloads to anyone who purchases a track from the service. The campaign — and the freebie music — runs through July 10.

The “Meet MSN Music” campaign includes radio, print, Internet and billboard advertisements, featuring acts including Gwen Stefani, Shakira, Stevie Wonder, Beyoncé and Kaiser Chiefs.

Microsoft, which has spent liberally to market its products in the past, had done little to promote its store. Launched in September of last year. Prior to this push, efforts had been limited to such MSN Internet properties as Hotmail and its instant-messaging client. When it introduced the store, Microsoft said it had no plans to follow Apple Computer’s marketing example.

“We deliberately rolled out the marketing slowly while gathering feedback from users to make sure the product was delivering what people wanted,” says Rob Bennett, senior director of MSN Entertainment. “We’ve gotten a ton of great feedback, our user satisfaction is extremely high, and we felt that now was the time to start turning up the volume.”

Others feel the move is in response to an increasingly competitive digital music environment. Until recently, Apple was the primary evangelist for digital music, with its now-iconic silhouette ads. With Internet bellwether Yahoo throwing its hat into the ring via an aggressively priced portable subscription service, and Real and Napster spending millions to market their own digital music stores and subscriptions, MSN may be feeling the heat.

The software giant is promoting its service throughout its own networks, as well as via Ticketmaster and CNET online. (Billboard.com is also running the ads.) The print campaign includes newspaper ads in New York, Los Angeles and Chicago, as well as Rolling Stone.

Radio spots will air in those cities and seven others, plus XM Radio and Music Choice. Other efforts include outdoor advertising and concert promotions.

“We’ve been saying for a while that there are a whole lot more of these services than could survive, and now you’re seeing what happens when people get desperate,” says Josh Bernoff, an analyst with Forrester Research. “You have to get people to try these things out.”

Subsidizing music to capture mind share is a bit of a double-edged sword for the music industry. “Nobody likes to have their products sold as a loss leader,” Bernoff says. But labels want competition, and that means these types of things are going to have to happen.”

However, at least one label is charging only $6 per month during the public trial phase of its portable subscription service, compared with $15 per month for similar services. Analysts estimate these companies pay about 65 cents-70 cents per track for whole track downloads, so Microsoft may be losing as much as $1.45 on the five songs it gives away for every 29 cents it makes.

Subsidizing music to capture mind share is a bit of a double-edged sword for the music industry. “Nobody likes to have their products sold as a loss leader,” Bernoff says. But labels want competition, and that means these types of things are going to have to happen.”

Source had nothing but praise for the MSN promotion. “If Microsoft is acquiring new users by offering some interesting deals, it could help grow the market for digital music,” an EMI representative says. “Anything that’s going to help educate consumers about the options that are available in the market for consuming music is absolutely something we’re going to support. We’re thrilled to see it happening.”

Two Major Oldies Stations Get Jacked

Radio audiences in New York and Chicago are getting to know Jack.

It was a pair of surprise moves June 3 that riled listeners and sent storied DJs packing. Infinity Broadcasting flipped New York oldies institution WCBS-FM and similarly formatted WJMK-FM Chicago to the burgeoning Jack format.

Veteran programmer Dave Logan and former-Monkee-turned-morning-man Mickey Dolenz are among the casualties from the era-ending flip at WCBS, which had played oldies for 33 years.

An Infinity spokeswoman says it is looking for opportunities within the company or at new Internet-only stations launched to placate oldies fans in both markets for a slew of outraged personalities.

In New York, they include Bruce (Cousin Bruce) Morrow, who brought the Beatles onto stage for their historic August 1966 Shea Stadium concert. He spent 15 years at WCBS during its top-40 heyday before joining Infinity last fall. Also displaced from WCBS are afternoon personality Bill Brown, who had been with the station since 1969. 25-year New York radio staple Randy Davis; and part-timer Harry Harrison, known as the “Morning Mayor” during his original 23-year stint with WCBS.

In Chicago, radio veterans Dick Biondi, Greg Brown, Paul Perry and Fred Winston are on the casualty list.

The Jack format is a reaction to rigid 100-song playlists that have given critics and competitors of terrestrial radio ample ammo. Jack offers at least four times as many songs from multiple genres and features quirky slogans like “playing whatever we want.”

Infinity, which first tried the Canadian-born format in July 2004 on KJKJ Dallas, has recently converted signals in Los Angeles, Seattle, Baltimore and Buffalo, N.Y., to the format.

To look at its growing franchise, the company has promoted Dallas-based VP of programming Kurt Johnson to VP of Jack programming. Johnson continues to program KJKK and smooth jazz KOAI Dallas.

It is not clear whether the new Jacks will have any jocks at all. KJKK still operates without personalities nearly 11 months after its debut.

Additional reporting by the Billboard Radio Monitor staff in New York.
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Clinton Recovers Master Recordings

After years of trials and tribulations related to George Clinton's masters, the godfather of funk has federal judges in Los Angeles and Nashville protecting his rights and recordings. Clinton was awarded on June 2 sole copyright ownership of four Funkadelic albums he recorded for Warner Bros. around 1979. U.S. District Court Judge Manuel Real in Los Angeles concluded that Clinton did not assign sound-recording copyrights in "Hardcore Jollies," "One Nation Under a Groove," "Uncle Jam Wants You" and "The Electric Spanking of War Babies" to his former manager Nene Montes' company, Tercer Mundo.

Montes brought the suit against Ron Brembry, Bruce Peterson and Ramon Spurr, doing business as Assn. Parliament Funkadelic Members 73-81 (APF), and others. He asked for a judgment declaring ownership rights for the four albums and other relief.

The defendants brought Clinton into the case through a counterclaim. Montes apparently abandoned the suit, leaving APF and Clinton to battle over the masters.

The three-day trial without a jury focused on rights claimed by APF—business associates who were not Parliament or Funkadelic musicians—from five December 1981 written agreements that purported to be Clinton's copyright assignments to Tercer Mundo.

After years of various parties fighting over Clinton's music, this was the first time he had his day in court.

"I cried just to get into court," Clinton tells Billboard. "I told the judge the story just like it happened, and he understood it.

"Clinton testified that he did not sign these agreements. His attorney, Don Engel with Engel & Engle in Atherton, Calif., argued that the documents did not state—not was Clinton paid—any consideration for the alleged assignments.

Engel further argued that Warner Bros. owned the sound-recording copyrights when the albums were recorded. Clinton then entered a 1982 settlement agreement in which Warner Bros. acceded that the copyrights would revert to Clinton if or when he could secure an agreement with a third-party distributor who would pay a 5% royalty override to Warner Bros. until the label received $283,333.34.

APF claimed that Montes' company entered an override agreement in August 1982, which would secure a sample of a Funkadelic guitar solo from Clinton's "Get Off" and "NW A Used it for 100 Miles and Running," part of the soundtrack to the 1980 No Limit film "Got the Hook Up."

No Limit's attorney, Robert Sullivan with Loeb & Loeb in Nashville, said his client has not decided on the next course of action.

Clinton tells Billboard that sampling should be easier—noting that he puts out CDs with snippets to lift and license—and should not cost "an arm and a leg.

He says his motto is "sample, copy, dupe it and loop it stupid," but for a reasonable fee.

Clinton's new Big Daddy distributed album, "How Late Do You Have to Be Before You're Absent?" is due next month. He says he does not know the answer to that question, observing, "I'm always tardy."

Licensed To Podcast
Music Industry Faces A New Challenge In The Digital World

licensing for broadcasts was so simple when all the music was analog. Although the music industry is trying to keep pace with digital issues, "around every bend lies another challenge." The latest curve comes from podcasting.

For each copyrighted work, making a copy, performing to the public and distributing a copy all trigger a right and a revenue source for creators.

It can be a daunting task for podcasters to follow the bouncy ball as different rights pop up to be licensed—from creating a program to streaming it online to downloading to an iPod or other MP3 players.

Broadcast radio demonstrates the simplest licensing process. Stations pay performance fees for compositions and make a free "ephemeral" (temporal) copy of the song to facilitate the public performance through its broadcast technology. They are not required to obtain licenses from sound recording owners.

Those who perform digital music online, such as webcasters, have more licenses to juggle. They pay performance fees for compositions and sound recordings (masters).

Generally speaking, if the webcast is interactive so the listener can select specific music, webcasters must negotiate performance rights with owners of each master. If it is noninteractive and listeners cannot select specific songs, webcasters can secure a compulsory license to perform the masters.

However, the law relating to any right to make a free ephemeral copy is unsettled for digital music in part because digital copies are often stored for a longer period of time than broadcast copies.

Podcasters complicate the licensing process. They present two additional situations, says attorney William Hart with Proskauer Rose in New York.

One is the amateur producer who puts the program together and makes it available on a Web site.

The other is the professional webcaster or "packager" that showcases a number of programs online for consumers to download.

They must each ensure all rights have been cleared.

First, copying music for the program to distribute to the public requires rights from the publisher of the composition and the owner of the master.

For the composition, does this require a mechanical license or a digital phonorecord delivery (DPD) license? Possibly neither.

Mechanical licenses are for "phonorecords," which would not include podcasts. However, although transferring a podcast to a player resembles a download, it is probably not a DPD either, Hart says.

The copy made through downloading is also not an ephemeral copy of the song.

This means that transferring the music from a podcast to a player would require each publisher's consent.

Second, performing music within the program requires a license from ASCAP, BMI, SESAC, the publisher or a combination of them, depending on the repertoire used.

BMI VP of business development Richard Conlon says the society offers podcasters licenses that are the same as those for digital radio. For hobbyists who cannot afford BMI's $283, minimum upfront fee, the organization has cooperative deals made with a centralized administrator or packager who pays for all the programs offered through the site. ASCAP, the current experimental license for Internet sites and services covers podcasts, according to Matt DelFilippo, the organization's director of new media and technology.

SE SAC uses its standard Internet licensing agreement for podcasts.

Yet even the right to perform compositions through streams is only granted to one party such as the webcaster, Hart says. Third parties such as packagers must often obtain additional rights.

Third, podcasts are grappling with issues over masters. Are the performances noninteractive and covered by a compulsory license or are they interactive so that each master license requires negotiation? There is no clear answer yet.

It could be an insurmountable task for podcasters to license each song and master from multiple sources for multiple uses. Is there a compromise?

"Part of it is adjusting the laws to take account of the new activity, part of it is an economic thing and part of it is counteracting the ‘everything is free’ mythology," Hart says.

Almost nothing is free, he adds. Collectors believe that a bill expected to be presented this month involving mechanical and compulsory licenses will set the tone.

"There are still a lot of open questions on how mechanical and compulsory licenses will be granted and administered," Conlon says. "Answers will also depend on how users want to consume media."

CLOSING THE DEAL: Alfred Publishing has completed its purchase of Warner Bros. Publications. Warner/Chappell Music and Word Music are not part of the deal.

WP prints and distributes sheet music, orchestration and arrangements, books and educational materials. According to a government filing, it generated revenue during the six-month period that ended March 31, 2005, of about $26 million, with a net loss of about $1 million.

Alfred Publishing will hold a 20-year exclusive license to publish an array of Christian sheet music and songbooks of Warner/Chappell-administered compositions.
BITS & BRIEFS

"HOLLABACK' CALLING"

Cingular Wireless has expanded its Cingular Sounds exclusive ringtone program with new content from Gwen Stefani. Cingular has exclusive access to a 3-second master ringtone from Stefani’s single “Hollaback Girl,” the artist’s first wireless release of any kind. Additionally, Stefani and Cingular have created an animated video created exclusively for the ringtone that fans can access and share for free via Cingular’s Web site. The video is not available for download to the handset.

FOO FREE

RealNetworks has teamed with the Foo Fighters to hold a free concert June 18 in Roswell, NM., in support of its Rhapsody 25 service launch, as well as the Foo Fighters’ new album, “In Your Honor” (Billboard, June 11). The concert will take place on the site of the former Walker Air Force Base, where conspiracy theorists believe the government stored evidence of a UFO crash, RealNetworks and the Foo Fighters are flying in several hundred contest winners to attend the show. This is the second free concert RealNetworks has held to celebrate Rhapsody 25; the company said it will announce additional shows in the coming months.

THE FAME GAME

Hip-hop star Ludacris and up-and-coming rockers Kaiser Chiefs are the latest acts to participate in Xbox Live’s “Game With Fame” series, in which fans play videogames against celebrities via the Internet through the Xbox Live service. The Kaiser Chiefs will challenge fans in the game “Burnout 3,” while Ludacris will engage in the racing game “Forza Motorsport.” Past participants in the series include Seether, Rise Against and Incubus.

AOL Music

Top Songs

1. MARSHALL CREN in “Walking in the Rain” (Island, 2,380,467)
2. GWEN STEFANI in “Don’t Speak” (Interscope, 1,768,912)
3. BLACK EYED PEAS in “My Humps” (Interscope, 1,564,390)
4. AKON in “Soulja Boy” (Interscope, 922,141)
5. NATELIE in “Crazy in Love” (Def Jam, 564,238)

Top Videos

1. GWEN STEFANI in “Hollaback Girl” (Interscope, 1,768,912)
2. CARA in “On the Radio” (Interscope, 1,407,884)
3. KELLY CLARKSON in “Behind These Hazel Eyes” (DreamWorks, 610,580)
4. BACKSTREET BOYS in “Don’t Go Break My Heart” (Jive, 496,739)
5. YING YANG TWINS in “What IY” (Def Jam, 377,178)

No. 10: Following a No. 16 bow on The Billboard 200 this month, debut act Pretty Ricky makes the top 10 of AOL’s audio streams list with its Atlantic debut “Bluesters.”

No. 4: Backstreet Boys are poised for a career resurgence with “Incomplete,” climbing AOL’s video and audio streams lists.

INTERNET

BY ANTONY BRUNO

Podcasting Bonanza Lures Weary Music Biz

Podcasting has emerged as the Internet’s hottest fad, but is it more than just a passing fancy?

Forrester Research estimates 500,000 podcasts will be available by year’s end, growing to 13 million in 2009. The number of podcast listeners is more difficult to track; there are so few that researchers and Forrester cannot get an acceptable sampling to survey.

It is partly because there is a lack of worthwhile content and partly because the current user experience is unappealing. Podcasting may sound sexy and easy to use, but downloading the necessary software and searching for compelling programming is anything but.

However, with Apple Computer adding support for podcasting to the next version of its iTunes Music Store, as well as interest from such market leaders as Clear Channel Radio, Infinity Broadcasting and Microsoft, content and ease-of-use are expected to improve.

With all of this in mind, the music industry is eager to determine how—or if—it should support the nascent medium.

“It’s the Wild West right now, and it’s incumbent on everyone involved to look at this now to address the business model and the social implication and come up with some rules,” EMI Music senior VP of digital development and distribution Ted Cohen says. “If we just sit and stare at it for a while, we’ll end up having to go back and modify behavior again.”

Podcasting refers to the software and service that delivers digital audio content from the Web directly to the computers or portable media devices of consumers who request it. It’s like TiVo for radio, it allows users to access shows whenever they please, not just when the shows are aired.

The content is delivered automatically to users’ computers, with no need for them to search for or download it. The content can then be transferred to a portable device like an iPod (hence the name).

Adopted initially by amateur broadcasters, podcasting is now drawing attention from mainstream radio, which is pursuing the technology in much the same way that traditional journalism outlets are pursuing blogging.

“The professionalization of podcasting is what I’d call it,” Forrester analyst Ted Schaefer says. “The biggest shift under way is from ‘homebrew’ to professional. There’s just so many real companies putting material up.”

There are many examples from the nation’s biggest radio chains. Clear Channel’s mainstream top-40 WHTZ (Z100) New York recently began offering the prank phone call segment of its morning show as a podcast. Premiere Radio Networks in April began podcasting seven of its most popular syndicated shows.

Infinity Broadcasting plans to offer free daily podcasts from nine news stations. And NPR has begun podcasting some of its programming.

Shows that contain music are not part of the podcast offerings, however, because of licensing issues (see “Where the Publishers’ Place,” page 16). NPR even strips out the jingles that precede programming segments.

Infinity has launched the first podcast radio station, KVCY-AM San Francisco. The radio group and Sirius Satellite Radio are using podcasting technology with music, but only to receive guest-DJ programming from listeners.

“We think there’s an opportunity to push content to a variety of devices in a variety of ways, and we’re exploring how to do that with music as well,” Infinity VP of marketing David Goodman says. Others have begun experimenting with using podcasts to promote music. BMI created a monthly podcast of unsigned artists who have licensed their work through the society. Also getting into the game is label Razor & Tie, which launched a series of podcasts from its roster, starting with Danko Jones.

Garageband.com includes technology on its site so artists can record, mix and publish podcasts of their work. “American Idol” runner-up Bo Bice used the technology in May to release podcast-only track “Papion.” As for record companies, for now they view podcasts as large MP3 files containing hours of unlincensed music.

“I’m wrestling with using it to promote new artists or basically being a mass-dissemination tool,” EMI’s Cohen says.

“Podcasting can be a great tool for exploring new music,” he continues. “But podcasting is a file download. If you’re going to do a ‘best of Bruce Springsteen’ two-hour podcast and 30 million people subscribe to it, is that a 30 million-song download? I think it is. Just because the technology is sexy and it has got some cachet doesn’t validate the business model.”
SMEJ Swims Against The Tide
Company Sees Sales Increase Amid Continuing Decline In Japan

TOYKO—Three years after a drastic restructuring, Sony Music Entertainment (Japan) is bucking the trend in the world's second-biggest music market. SMEJ has long had the biggest domestic market share among Japanese companies. According to SoundScan Japan, its current overall share is 17%. SMEJ is also acknowledged as dramatically increasing its sales and profits, which is seen as a major step in achieving that hit-filled scenario.

“It’s now three years since a completely different culture,” says SMEJ executive VP Mamoru Sakuma. “We have developed different talents under younger bosses.” SMEJ has developed its own label, SMEJ, for artists and music, and other SMEJ subsidiaries. SMEJ does not release profit figures.

“In contrast, shipments of music product (including video/DVD) by the Recording Industry Assn. of Japan’s 42 member companies fell 5% on a year-on-year basis in January 2004 to 431 billion yen ($5.9 billion), compared to 568 billion yen ($7.5 billion) in January 2003.”

“We were able to increase our sales simply because we had a success of hits.”
—SMEJ EXECUTIVE VP MAMORU SAKUMA

“We broke SMEJ up into six labels, and each label has come to acquire its own flavor,” Sakuma says. “We needed to revitalize SMEJ’s imprint [Sony Records and Epic], and so we broke them up and put them in the hands of young people. Our goal was to keep the old names but start out again with revenue from music publishing, artist management, and other SMEJ subsidiaries. SMEJ does not release profit figures. In contrast, shipments of music product (including video/DVD) by the Recording Industry Assn. of Japan’s 42 member companies fell 5% on a year-on-year basis in January 2004 to 431 billion yen ($5.9 billion), compared to 568 billion yen ($7.5 billion) in January 2003.”

SMEJ's biggest single source of its last year's success was Okinawa band Orange Range, whose steady run of hits since its 1999 debut has buoyed rival label Toshiba-EMI's sales figures. "It fits into the overall pattern in Japan today, where there are fewer big sellers, but when they 'pop,' they can still be very big indeed," he says.

SMEJ and BMG Funhouse maintain separate operations in Japan despite the Sony BMG merger. "We are not just a record company," Sakuma notes. "We're a wide-ranging business, with artist management, publishing, magazine and other subsidiaries, and so it's going to be hard to decide just how to merge." Looking forward, SMEJ's biggest challenge will be maintaining its domestic market share. One industry source says. "The big question is not why Sony was able to buck the trend in the market this year," the source observes. "The real question is, can they do that consistently, and does this year's success create a false sense of security in a rapidly changing world?" Sakuma says. "The only thing you can do is go back to the basics. Of course, the methods of selling are changing, and the users are changing, but these have to be accepted as a matter of course; changes have always taken place. We've simply managed to leapfrog ahead of those changes and turn out good artists and good products."

Cubadisco Dancing To An Asian Beat

HAVANA—The organizers of Cuba’s annual music trade fair, Cubadisco, are hoping to repeat this year’s successful Asian experiment in 2006. Cubadisco 2005 nominated Japan as its guest country, drawing more than 200 Japanese artists and programs to the event, held May 21-29 here. Cubadisco president Ciro Benemelis says the Japanese contingent joined another 100 world music industry professionals representing nine countries plus thousands of Cubans at this year’s gathering.

Now Cubadisco is switching attention from the world’s second-biggest music market to its most populous nation. Cubadisco 2006 will host China as its guest country.

"Cuba and China have increased their economic exchange," Benemelis says. "China's music market potential is massive. Japan has historic links with Cuban music going back to the 1940s; there is no reason why the Chinese should not share this interest."

"Asia is the market of the future for Latin music," says Paco Galindo, director of corporate affairs at SGAE, Spain’s society of authors and publishers, SGAE, which has offices in China and a representative in Japan, plays a key financial and artistic role at Cubadisco each year.

Galindo, who is also secretary-general of SGAE’s events arm, Fundación Autor, says the association has for some years been emphasizing the need for Latin markets "to develop strategies of penetration" into Asia.

"If Japan has proved remarkable for traditional and contemporary [Latin] musicians," he says, "imagine what China will be like. Between Japan and China, we have a blossoming market of 1.4 billion people." Cubadisco music "is a constant presence in the Japanese media," notes Andres Ballester, cultural attaché at the Cuban embassy in Tokyo and another Cubadisco attendee. "But its future depends on how seriously we treat this [music] market."

Massy Hayashi, president of Japanese concert promoter
Canada’s Indies Court Global Action

TORONTO—The recent success of alternative Canadian acts in international markets is expanding opportunities for Canadian independent labels.

Acts from Canada that have recently achieved a breakthrough outside the country include the Arcade Fire, Broken Social Scene, the Dears, Alexisonfire, Death From Above 1979, Hot Hot Heat and Feist.

Such breakthroughs have opened doors worldwide for the alternative indie labels that launched some of these acts.

“We’re hearing from major labels from around the world almost every day,” says Jeffrey Remedios, co-owner of Toronto-based label and management company Arts & Crafts. “People want to be part of what’s going on here.”

The Arts & Crafts label roster includes Broken Social Scene, Stars and Feist.

“A few Broken Social Scene exploded [in 2003], the music industry began paying more attention to the [alternative] music scene in Canada,” says Trevor Larocque, president of Toronto-based PaperBag Records, home to the Deadly Snakes, Magneta Lane and Unicat. “[But] I don’t think we’ll ever entertain any major-label offers unless they begin to talk big money.”

Even G7 Welcoming Committee, an 8-year-old, politically charged label from Winnipeg, Manitoba, says it has been heavily courted. Its roster comprises just two acts, Propagandhi and Greg Macp.

Collective member Derek (who does not use a surname) says, “We have had more offers from Canadian distributors in the past five months than we’ve ever had. We’re ignoring the attention.”

These newer Canadian indie labels, unlike those that came before, have tended to look outside Canada for early support of their rosters.

Breaking Social Scene’s success has drawn attention to Canadian indie labels.

The combination of the Internet and increased control of distribution and promotion has enabled indie labels to more quickly export or license their catalogs or specific titles abroad.

“From day one, we ignored the Canada-U.S. border,” Remedios says. “There’s 30 million people within a two-hour drive of Toronto, so why try to win over Vancouver out of the gate?”

Arts & Crafts is distributed domestically by EMI Music Canada and by Caroline Distribution in the United States.

“We tell our bands, ‘Play Canada for sure, but with the U.S. next door, go there. Go to Europe too,’” says Tim Potocic, co-owner of Sonic Unyon Records and Sonic Distribution. “Bands get paid more there and get treated with more respect.”

Hamilton, Ontario-based Sonic Distribution handles 50 Canadian independent labels.

While the indie-label sector in Canada traditionally has done little business with larger music retailers, that also is changing.

“We’re doing considerably more business with a fair number of the minor labels,” reports Tim Baker, buyer for Sunrise Records, which has 32 stores in Ontario.

Insiders suspect the indie’s success reflects the sector’s ability to understand what young, music-savvy fans want.

“Consumers got fed up with the way labels were working artists: making them singles-driven and dumping marketing into trying to make them popular,” says Lenny Levine, executive VP of marketing at Montreal-based Last Gang Records, which counts Metric, Death From Above 1979 and Tricky Woo among its acts.

“They want honest, intelligent, exciting and emotional music,” Remedios says. “If you can bring it to them in an uncontrived way and build a relationship with them, they will respond.”

Hayashi International Promotion, underlined that point when it told a May 23 Cubadisco symposium that there was still much work to be done with Cuban music in Japan.

“We have to open up the market for it,” Hayashi said. “Cuban popular music is wonderful—the voices are powerful, the rhythm is contagious, [and it] deserves to be on the most important stages in Japan.”

In addition to sales, live performances have long kept the Cuban torch burning in Japan. Takahashi recalled that Japanese musician/guitarist Tadaaki Misago founded the Tokyo Cuban Boys orchestra in the 1940s, based on Cuban acts of the time. The Japanese band, now including a mix of veteran and young musicians, played at Cubadisco 2005.

Japan’s best-known domestic salsa act, the now-defunct Orquesta de la Luz, first toured Cuba in the early 1990s, at a time when Cuban salsa bands such as NG La Banda were touring Japan. Cuban acts have subsequently visited Japan, and one of the country’s biggest bands in the past 30 years, Los Van Van, will play eight Japanese dates in August—its third tour there.

There were some 50 Cubadisco stands in Havana’s Palace of Conventions exhibition hall this year, representing Japan, Spain, the United States, the United Kingdom, Germany, France, Canada, the Bahamas, Jamaica and Belgium.

As well as the various seminars, attendees could join the public at a Cubadisco concert program of more than 150 shows.

The highest-profile event was the SGAE-organized May 29 show at the 5,000-capacity Karl Marx Theater, featuring the Cuban debut of Warner Music Spain artist Lolita. The singer is the eldest daughter of Spanish star Lola Flores—who loved Cuba— who died in 1995.

Lolita told the audience she had been “waiting 30 years for the moment to play in the city my mother loved so much.”

Sonny Corp. filmed a documentary on Cubadisco for its subscription Website worldeventvillage.com, which offers streamed video of festivals, live concerts and other events around the world.

The company recorded several concerts during the event, including the key May 25 Cuba-Japan gala at the Karl Marx Theater.

The documentary will be on the Website by late June. —JUNE 18, 2005

CONTROLLER OF THE UNITED STATES' TREASURY

The controller of the United States' Treasury is the official responsible for managing the government's finances and ensuring that it has sufficient funds to meet its obligations.

The Treasury Department is responsible for collecting taxes, managing the government's budget, and issuing currency and other financial instruments.

The controller of the Treasury is appointed by the President of the United States and serves at the pleasure of the President.

The controller of the Treasury is also the head of the Public Debt Bureau, which is responsible for managing the government's debt.

The controller of the Treasury is a key figure in the government's financial affairs, and is often referred to as the "treasurer of the United States."
MTV STEPS UP CARIBBEAN TEMPO

The Caribbean music industry is hailing plans for an MTV channel dedicated to the region's music and culture.

Called Tempo, the 24-hour English-language channel will offer music programming alongside lifestyle shows on topics ranging from regional cooking to sports.

"The channel [also] will partner with other entities to create programming showcasing various aspects of Caribbean cultural heritage," says Frederick A. Morton Jr., senior VP/deputy general counsel of business and legal affairs with MTV Networks.

Tempo will launch across the region in October through a distribution deal with Innovative Cable TV, which supplies cable services on seven Caribbean islands to some 90,000 households and commercial premises. MTV expects to announce additional cable distributors soon.

Cable and Wireless, a U.K. telecommunications company, will sponsor the channel in a broad three-year deal covering sponsorship of events and cross-marketing. The broadcaster says a number of advertising contracts have also been secured. Tempo will debut in the United States sometime in 2006, according to MTV.

Morton will serve as GM of Tempo, reporting to Tom Calderone, GM of VH1. Tempo will be based in New York.

Morton estimates Tempo's initial audience will be 500,000 households. It will feature regionally and internationally produced videos representing various genres from the English-, French- and Spanish-speaking Caribbean countries, plus programming acquired from local TV companies and the MTV Networks library.

Haitian-born hip-hop artist/producer Wyclef Jean is working with the channel to "develop some original series and documentaries and help shape the musical taste and tone of the network," Morton says.

Caribbean artists in genres ranging from soca to zouk and even the higher-profile dancehall have rarely had their videos shown on MTV. Industry observers say videos in the genre often have poor production quality because of budget constraints. But Morton says videos on Tempo will meet MTV's standards.

"One can't blame a community for not having quality product when there is no distribution of that product; you are not going to invest real money into something where you don't have a place to show it," Morton says.

"When the viewer turns from MTV or Comedy Central to Tempo, there can't be a drop-off," he adds. "Because Tempo will now provide that platform, the video quality needs to be stepped up."

MTV unveiled Tempo May 31 at a launch concert in the South Street Seaport in lower Manhattan, in association with Caribbean Tourism Week. Jean and Atlantic Records' German-born Barbadian soca star Rupee were among the artists performing at the event.

While most industry observers consider Tempo a significant step forward for Caribbean music, some feel regional artists would be better-served by more frequent inclusion in regular MTV programming.

"Caribbean music—especially dancehall reggae—videos have proven their popularity, so why not give us a half-hour of programming on MTV or MTV2 at least once a week?" asks Cristy Barber, New York-based president of Jamaican label Tuff Gong Records.

"I see the benefit of MTV recognizing us," Barber adds, "but to let the music get bigger, it has to be seen by people who aren't familiar with it."

Despite such criticisms, the potential audience and strength of the MTV brand is appreciated by artists from the region.

"This is a bold move for MTV and a dream for us," says Machiel Montano, a leading Trinidadian soca artist who is signed to Trinidad label Mad Bull Music.

"It isn't just about shooting videos," Montano says. "It is about Caribbean people being able to see ourselves and being acknowledged for the rich amount of talent that we have. A lot of independent videos are going to be in heavy rotation on Tempo. That is going to influence record companies and broaden the market to that raw, undiluted Caribbean music can make it anywhere."

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The Indies

TODD MARTENS tmartens@billboard.com

ADA GETS SECRETLY CANADIAN EXCLUSIVE

New York-based Alternative Distribution Alliance has inked an exclusive distribution agreement with Bloomington, Ind.-based Secretly Canadian, sources say. The fast-rising company—home to such artists as Magnolia Electric Co., Antony & the Johnsons and Early Day Miners—is currently distributed by Portland, Ore.-based Nail Distribution, a division of Allegro.

Secretly Canadian operates two labels, Secretly Canadian and Jagajawar, as well as DVD imprint Blank Stare (Billboard, June 4). It also serves as a boutique distributor and label group.

The company sells direct to a number of indie accounts and distributes such notable indie labels as Asthmatic Kitty, Sounds Familiy and K Records. The K catalog includes titles from Modest Mouse, Heavenly and the Microphones. In July, Sounds Familiy will issue "Illinois," the highly anticipated new album from folk/pop experimentalist Sufjan Stevens.

Look for ADA to beef up marketing efforts on Black Mountain's self-titled album from Jagajawar. The group's bluesy hard rock, laced with '60s-influenced psychedelic touches, has landed it some opening slots for Coldplay in August.

THICKENING UP: Chicago-based rock/punk label Thick Records has inked an exclusive U.S. distribution deal with the Lumberjack Mordam Music Group. Thick opened its doors in 1994 and has been distributed by Chicago's Southern Records for a number of years.

Toledo, Ohio-based Lumberjack will begin handling Thick titles in September. An exciting release on the label's horizon is from new act the Bomb. The group is led by Naked Raygun vocalist Jeff Pezzati, who also did some time in Big Black. The Bomb's debut album, "Indecision," is due in the fall. It was produced by Jawbox/Burning Airlines leader J. Robbins.

The Thick catalog includes such acts as Blue Meanies, the Methadones, Local H and the Toasters. Thick is the second label to leave Southern for Lumberjack this year, following Beer City (Billboard, May 7).

MAD REMIXES: Los Angeles-based hip-hop label Stones Throw Records has released a pair of Madvillain vinyl remixes in Europe. Madvillain, the vaunted hip-hop collaboration between MF Doom and Madlib, was remixed by Domino Records' jazzzy electronic act Four Tet and the like-minded Koushik, which recently signed to Stones Throw.

The label stresses that the vinyl releases are not limited editions, so Madvillain completists need not head to eBay. Stateside fans who would rather not shell out for the import can purchase the 24 tracks comprising the two LPs via Apple Computer's iTunes.

Caroline-distributed Stones Throw continues to have success with Madlib-related projects. The latest from his Quasimoto alter ego, "The Further Adventures of Lord Quas," has spent three weeks on the Billboard Top Independent Albums chart, having sold 15,000 copies since its release last month.

GETTING BURNSIDE: Portland, Ore.-based Burnside Distribution has added Hard Soul Records to its exclusive distribution roster. The label was founded by Trevor Randall, previously an executive VP with London-based Acid Jazz Records (Jamiroquai, Brand New Heavies).

Los Angeles-based Hard Soul will issue debut albums from London-bred indie rockers the Capes and Mexican pop act Sub-Division. Future releases include a new album from singer/songwriter Mark Curry and compilations licensed from the Acid Jazz catalog.

In other Burnside news, the label will be the exclusive U.S. distributor of Australian pop act Fruit, whose new album, produced by David Ivory (the Roots), is due July 12.
Retail Track
ED CHRISTMAN echristman@billboard.com

Wholesalers Look Up
Navarre Breaks Record, Source Interlink Earns Credit

Two of the music industry's biggest wholesalers, Navarre and Source Interlink, posted decent results for their recently completed fiscal quarters.

Navarre reported June 2 that its $2.5 million, or 9 cents per diluted share, on sales of $141.9 million in the three-month period ended March 31. That compares with net income of $3.3 million, or 13 cents per share, on sales of $140.9 million for the corresponding period in 2004.

But even with this fourth-quarter loss, the company managed a record-breaking year, reporting $12.5 million in net income, or 44 cents per diluted share, on sales of $596.5 million for the 12-month period ended March 31.

Navarre delayed the release of its results because of a restatement for the previous year. In its restatement, the company reported $7.5 million in net income, or 31 cents per share, on sales of $470.9 million.

Breaking out revenue by business segment, distribution of PC software, CDs, DVDs, videogames and accessories increased 25.2% to $356.9 million, including $6.4 million in intercompany sales from its publishing operations. If these sales are eliminated, distribution revenue increased 17.8%.

Meanwhile, Navarre's publishing operations, including BCI and Encore, produced $55.8 million in revenue last year. That segment is expected to grow with the recent acquisition of FUNimation.

The day after Navarre announced its results, the stock closed at $8.20, up 17 cents. It fell to $7.93 at the June 6 close. The company is trading well below its 52-week high of $20.

Source Interlink, which merged with Alliance Entertainment Corp. Feb. 28, reported net income of $1.7 million, or 4 cents per share, on revenue of $234.4 million for the three-month period ended April 30.

Source Interlink's net income was affected by merger and acquisition charges. Also, if AEC had been part of the company for the entire quarter and the merger costs are excluded, Source Interlink's pro forma results would be $6.3 million in net income, or 12 cents per diluted share, on revenue of $107.6 million.

Of the revenue total, AEC generated $2.2 million in operating income on revenue of $428.5 million. The magazine fulfillment segment reported revenue of $71.7 million, and the in-store services segment tallied $14.3 million in revenue.

During the quarter, Source Interlink's revolving credit facility was upped to $250 million.

In late May, Universal Music & Video Distribution increased its return charge by 10 cents to 33 cents a unit. While any increase generally is unpopular, retailers seem to be taking this one in stride.

"I am not too crazy about that change," one chain buyer says. The increase tips the risk-reward ratio on smaller titles, he explains, making those titles more attractive to buy in odd lots rather than boxlots.

Universal offers a boxlot deal on 10 units that is 30 cents off the oddlot cost. Before the increase, if a store returned something, the boxlot discount would more than cancel out the 25 cent charge. Now, the return penalty is greater than the discount, which means less of an incentive to step up to boxlots.

"... big shock!"
– Dave Goldberg, SVP, Music, Yahoo!

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**RETAIL** BY TODD MARTENS

**Hip-Hop Merch Site Giant Peach Ripens With Age**

Try as it might, the giantpeach.com is having a hard time flying under the radar.

Started as an online destination to sell merchandise for West Coast rap labels, it has grown into a virtual mall. But in the hip-hop and fashion worlds, giantpeach.com provides an outlet for independent CDs and do-it-yourself clothing designers.

The operation is the brainchild of Karen Dere, who began plotting the site in 1999. Today it operates out of two Oakland, Calif., lofts with four full-time staffers.

In its 3,000 square feet, giantpeach.com stocks CDs and vinyl from such well-known indie artists as Lyrics Born, Madlib and Aesop Rock, as well as wares from nearly 70 designers. It also stocks everything from belt buckles to windbreakers, all with a hip-hop flair.

"Every time I begin to think we should get something out, I actually find out that sales are pretty evenly mixed," Dere says. "People can get the CD cheaper on amazon.com, but they come here because they can get a T-shirt or something else."

Thirty-three-year-old Dere has connections to hip-hop that date back to her days as a DJ for KALX, the student-run station for the University of California, Berkeley. She was later an intern at Capitol Records, and then enjoyed a brief stint working in distribution for EMI. "I paid my dues wherever," she says.

It was then she met Domino, producer/manager for respected hip-hop act the Hieroglyphics, that Dere began working with artist merchandising. The act had just issued its self-released 1998 album "Third Eye Vision," and Dere was helping out in the group's office.

Having just left on tour, the act was behind in fulfilling its T-shirt orders, and Dere received a crash course in printing shirts. Sharing an office building with ABB Records (Dilated Peoples) and Quannum Projects (Lyrics Born), Dere soon found herself in the merchandise business.

"I started talking to Lyrics Born one day about doing shirts," Dere says, "and he said, 'Yeah, do our stuff.' I was thinking I would just make tour shirts on the side, and we started to do so much production that we decided to make it a separate entity.

Giantpeach.com officially launched in 2000, opening with exclusive T-shirt designs from artists on ABB, Quannum, Stones Throw Records and Definitive Jux. At first, Dere says, the intention was to hawk only exclusive shirts, but that plan soon gave way as the site expanded. "We wanted the artist to be able to get as much stuff out there as possible," she says.

Within one year, the site began selling designs from DIY clothing designers, mainly. Dere says, because she can't say no. "I'm such a pushover," she says. "We totally have limited space and limited time, but I get guilted by people. That's the No. 1 way people get on the site. They call and say they know Domino or El-P and then their stuff ends up on the site."

Quannum GM Isaac Bees says giantpeach.com's dedication to indie clothing designers is why the site has been a success. "Karen's ability to bring in incredible non-music items has really helped to shape that sense of community. A T-shirt is still just a T-shirt, but Giant Peach is not just a conglomeration of labels or artists flogging products; it's a huge group of like-minded artists, musical and otherwise, who share a common aesthetic in hip-hop."

As the site grows—Dere declines to reveal its revenue—Dere says she has considered opening a physical retail outlet, but fears becoming too big would threaten the connection the site has cultivated with its fans.

"We're constantly expanding, whether we want to or not, but if we get much bigger, we won't be able to write back to everyone's e-mails," Dere says. "We worry that stuff would get out of control and we'd lose the personal touch. We could easily have some fulfillment company do it, but I think we'd lose sight of why we started. We want the artists to keep getting bigger, but we want to keep it smaller."

Yet the site is having a tough time staying off the radar. "A lot of distributors call us and say, 'Why aren't you offering the new Missy Elliott? It's hot.' But we won't," Dere says, "because we don't do Missy's merchandise."

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**RETAIL** BY JILL KIPNIS

**New UMD Format Succeeding At Retail Game**

Wave Of Film, Music Titles Planned For PSP-Compatible Discs

LOS ANGELES—The new Universal Media Disc optical format is poised to make an impact at retail in the coming months.

A total of 800 UMD titles, including films, music concerts and TV-derived programming, are expected in stores by year's end, according to the DVD Release Report.

The 60mm, 1.8GB UMD is playable only on Sony's new PlayStation Portable gaming device, but that is not considered a hindrance by content providers.

The one-time use of the format is a result of its early appeal not just among PSP core-users—18- to 34-year-old males—but also with an older and broader crowd. Only a handful of UMDs were available when the PSP debuted in March.

Two of Sony's UMDs—"House of Flying Daggers" and "Resident Evil: Apocalypse"—have sold more than 100,000 units each since their April 19 release, according to the company.

The PSP console has sold more than 1.2 million units, according to industry reports. Sony Computer Entertainment America says more than 500,000 PSPs were sold in the device's first two days on the market.

"People who buy a new piece of hardware tend to be ravenous about software. They want to feed their machines," says Gordon Ho, executive VP of marketing and business development for Buena Vista Home Entertainment, whose top-selling UMDs are "Pirates of the Caribbean: The Curse of the Black Pearl" and "National Treasure."

The PSP is particularly appealing because of its high-resolution screen and light weight compared with other portable devices like laptops and mini-DVD players.

"A lot of these customers are older than people thought they would be," says Mike Carden, president of operations for Eagle Rock North America and executive VP of Eagle Rock Entertainment. "It's not a cheap format to be involved in. It's $250 for the player, so you need to have disposable income. I was recently on a plane flying out to the West Coast and there were three other people besides me watching movies on PSPs. These were not kids."

Eagle Rock is releasing such UMDs as "Busta Rhymes: Everything Remains Raw" and "Jimi Hendrix: Electric Ladyland Classic Album," starting this summer.

Content providers are aiming the growing tide of UMDs at gamers and movie lovers by planning day-and-date UMD and DVD releases and creating broad UMD marketing campaigns.

The first group of UMD releases came in April from Sony Pictures Home Entertainment and Buena Vista.

Across the board, retailers are stocking UMDs with their PSP hardware and game software. But it may not be long before UMDs appear in other parts of the store, much like music DVDs are sometimes placed near CDs. Space concerns could crop up soon.

"If you'd asked me before (the PSP's) launch about UMDs having their own section, I would have said no," Virgin Megastores senior visual product manager Bart Saunt says. "We've been selling most of these movies on DVD, and people are still coming back to buy them on UMD. That's great for retail."

It's great for the video business as well. Executives believe the increasing number of day-and-date DVD and UMD releases in the coming months will create more interest in all UMD titles. Forthcoming day-and-date titles include "Sin City" (Aug. 16, Buena Vista) and "Sahara" (Aug. 30, Paramount).

Studies say marketing campaigns for day-and-date and catalog UMDs will mainly target gamers through specialized online and print outlets. They will try to reach the general DVD audience through traditional publications and radio.

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The on par with DVDs, though UMDs typically do not include extra features because of storage restraints. The majority of releases are catalog titles already available on DVD, but many retailers do not see that as an obstacle for the UMD.

"I'm surprised that price doesn't seem to be a barrier for people, without the extras," Virgin Megastores senior visual product manager Bart Saunt says. "We've been selling most of these movies on DVD, and people are still coming back to buy them on UMD. That's great for retail."

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Making The Brand

MICHAEL PAOLETTA mpaoletta@billboard.com

Ecko Plays For Atari
Sportswear Superstar Creates His Own Videogame

Marc Ecko describes his consumers as moving targets. "I move with them," the brand-building superstar says.

Ecko's latest move is into videogames. In September, Atari will release "Marc Ecko's Getting Up: Contents Under Pressure." Developed and created by Ecko, the game revolves around urban culture and graffiti art.

Twelve years ago, Ecko founded Marc Ecko Enterprises, a clothing empire that now includes men's (Ecko Unltd.) and women's (Ecko Red) collections, a joint-venture clothing line with multiplatinum rapper 50 Cent (G-Unit), an accessories collection (Fetish) and a licensed mid-tier brand (Avirex Sportswear Collection). MEE also publishes the men's consumer magazine Complex.

While Ecko—at 32, the youngest board member of the Council of Fashion Designers of America—acknowledges that it is unconventional for a fashion brand to expand into gaming, he says he has been an outsider since forming MEE. "I quit pharmacy school to do what I do," he says. "I am completely self-taught. So, for me, getting into videogames makes sense."

Does it make branding sense? Ecko says the branding model of the '80s and '90s no longer works. "Then, brands serviced consumers in one space," he explains. "That way of thinking is too narrow today."

He thinks his presence in the videogame market will positively affect the clothing lines under the MEE umbrella. "If Ralph Lauren can make paints," Ecko says, "I can make videogames."

Ecko says "Contents Under Pressure" is the first of many games from him. He adds that he is working on other "big projects" and ultimately wants to "nurture a brand-new brand" while "blurring the lines between cinema and videogames."

"If Ralph Lauren can make paints, I can make videogames."

—MARC ECKO

Naturally, music—licensed and original—will play an important role in "Contents Under Pressure." Ecko likens the game's sonic landscape to the soundtrack of an indie film. "It's a bit avant-garde—not what you might be expecting."

To illustrate, Ecko cites such artists as Eddie Kendricks, Tricky, Curtis Mayfield and Bob Marley, whose music will be featured in the game. And don't be surprised if an alternative rock act's cover of a classic hip-hop track (seen through the eyes of a larger-than-life hip-hop producer) finds its way into the mix.

Atari will release two versions of "Contents Under Pressure": the game alone and a DualDisc that includes a making of documentary and the soundtrack.

Such a savvy project seems tailor-made for an iTunes-tier for men and women—is due in department and western apparel stores in November. It will debut at apparel trade show Magic in August in Las Vegas. According to Starnes, Keith is involved in the development and selection of the design.

The Toby Keith Collection—western hats and baseball caps

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In-House Marketers Get The Gig

BY RAY WADDELL

If you want the date, you may have to be ready to promote it creatively. It's a drill that arenas are well aware of.

And when some marketing is brought to the party, results can shatter expectations and create a decent revenue stream for arenas via marketing commissions.

"For major concerts, today's sophisticated promoters want to make sure that a given arena has the right mentality," says Tim Ryan, president/CEO of the Arrowhead Pond of Anaheim (Calif.). "Specifically, if an arena is a fully staffed, promotional-minded venue, I believe that a promoter would lean toward that facility if it was a 'jump ball.'"

That has been the case with the Motley Crue reunion tour, which exploded out of the gate in North American arenas early this year. The tour owes plenty to arenas that were willing to come to the table with open checkbooks and open minds toward marketing.

"It was the buildings who funded and helped make this happen when the promoters wouldn't step up," Crue manager Allen Kovac says.

Kovac is particularly enthused about the in-house arena promotions. "This was very refreshing, because we found arenas to be much more open to innovative, integrated marketing plans that were proposed," he says.

The amount and quality of marketing an arena can offer can be the difference in snapping a date at all.

"A venue that can offer its own marketing resources can sway a final decision on a play date that may otherwise go to the competition or another market all together," says Jeffrey Bowen, VP of scheduling/production services at the Conseco Fieldhouse in Indianapolis.

"This can be even more important for a new arena trying to insert itself into the routing loop. Brining marketing to a date is "a great value-added service to promoters and a priority for our organization,"" says Brandon Lucas, director of marketing for the New Charlotte (N.C.) Arena, set to open this fall.

Lucas says an in-house marketing staff can provide "additional marketing experience and marketing attention to [an event] via access to such internal venue assets as databases, team publications/programs, venue and team Web site inclusion, premium seating, scoreboards and PA.

Lucas says the venue also provides external assets, including a market presence and knowledge, and established media and community relationships.

"The New Charlotte Arena in-house marketing staff provides a complete spectrum of marketing services, from simple ad-buying to full-service marketing, advertising, public relations and group sales," Lucas says.

In Boston, the FleetCenter employs a full-service marketing operation headed by marketing director Jim DeLaney. "We offer our experience in the market, skilled personnel and favorable ad rates with the overall package," says Steve Nazro, VP of event scheduling at the FleetCenter.

Nazro says many promoters and events avail themselves of these services. "Obviously, all do not choose to employ our service, but many one-nighters do," Nazro explains. "We have skill at choosing the best offers from all the 'normal' day outlets, like newspapers, radio and TV, along with a superior cable expertise."

And the FleetCenter, like most modern arenas, also owns many in-house promotional tools, such as scoreboards, an LCD ribbon and concourse TVs. "One of our biggest and most successful tools is the Internet," Nazro says. "We have thousands and thousands of targeted names for different events."

"The value of an ongoing presence in a market cannot be overstated. "I think the simple fact that a promoter knows that a particular arena promotes events, takes large risks and has invested in the necessary staff provides a comfort level," Ryan says. "If a show has been on sale for a month and still needs a push, it is reassuring for them to know they can pick up the phone and be connected to a department that is ready to help get it over the top."

"Many believe an arena marketing staff brings more local knowledge to the party than a promoter does. "I think venues that have their own marketing departments are better-equipped to complement the marketing provided by promoters," Bowen says.

This is particularly true when the tour is using a national promoter. Bowen says. "The local marketing department can often assist the out-of-market promoter with better media placement opportunities, and should certainly have a better feel for what the market wants, what media will deliver and histories of various acts' power within the market."

continued on >>p26
Family Shows Are Serious Business

BY JILL KIPNIS

Family entertainment certainly isn't child's play to the touring industry.

Although music stars generate each year's top-grossing events, family tours are consistent moneymakers that are attracting an increasing number of ticket buyers.

In 2004, the top-grossing family show, as reported in Billboard Boxscore, was Feld Entertainment's Disney on Ice. The tour grossed more than $18.5 million, and at least 2.2 million people attended. Feld's Ringling Bros. shows grossed about $10.5 million and were attended by 1.7 million.

Other top performers include VEE Corp.'s Sesame Street Live franchise (with a gross exceeding $8.6 million and attendance of at least 83,000) and HIT Entertainment's the Wiggles (grossing at least $8.5 million and pulling in at least 350,000 attendees).

This year is expected to be another stellar one for live family entertainment. VEE is launching four Sesame Street tours in the show's 30th-anniversary season. Look for "Imagination," "Out of This World," "Elmo's Coloring Book" and "Every One Makes Music" in venues this summer.

Australian quartet the Wiggles is stopping in at least 50 cities this year.

The Ringling Bros. Circus—currently touring the 134th and 135th editions, as well as the one-ring Home Edition shows—and Disney on Ice is on tour this year with "Finding Nemo" and "Princess Classics" programs, combined will account for hundreds of stops.

Numerous other options include such Nickelodeon TV shows brought to the stage as "Blue's Clues Live!" and "Dora the Explorer Live!" and the Christian market's "VeggieTales: Rockin' Tour Live!" from Big Idea/Classic Media.

Family-tour executives and venues say more options are available this year because of the NHL strike and the expected continued flatness of music tours.

"I think the family segment of the business is strong because other parts of the industry are down," VEE founder Vincent Egan says. "The previous 12 months have been excellent. Our business is up, our revenues are up."

Likewise, HIT senior VP of live events Shawn Coleman notes that, so far this year, the company has experienced a 10% increase in revenue compared with 2004.

Mike O'Donnell, VP/COO of Anaheim Arena Management, which runs the Arrowhead Pond of Anaheim (Calif.), says family shows have been "doing spectacularly" the last three years. The venue annually hosts 10-22 Ringling Bros. dates, 23-30 ice shows and multiple Harlem Globetrotters shows.

He notes that when the NHL confirmed this year's lockout, "everyone got as aggressive as possible to fill voids in their calendar. Family shows are a very important element to our overall entertainment package."

What is also keeping family tours strong, executives say, is show quality, reasonable ticket prices and increased interest from sponsors.

"Our productions cost millions of dollars," Egan says. "They're expensive, but sometimes it's the first experience a child has to be exposed to something like this."

Family-show producers say they try to remain sensitive to ticket prices as well as their costs are growing. Most tickets range between $15 and $30.

"The music industry is going through quite a change as far as expenses, and a lot that has to do with ticket prices," Egan says. "We are watching that carefully. Facilities also have to bring their fees under control."

Jill Przeleski, director of special events for the Gibson Amphitheatre in Los Angeles, notes that the value of these shows often exceeds that of other family entertainment options.

"We all love Disneyland, but I've heard from parents who say weeks later that their kids are still talking about the Wiggles show, which is the Rolling Stones of the children's world," she says. "There's such a hunger out there for wholesome entertainment."

Sponsors are noticing this trend in growing numbers.

Coleman points out that Toys "R" Us sponsored last year's Barney tour. Mattel is on board with the Wiggles this year and will also help promote HIT's new DVD, "The Wiggles' Around the World" (July 19), at tour stops.

Ron Smith, a strategic marketing consultant for this year's VeggieTales tour, says that while it's harder for a Christian-oriented show to attract big-name sponsors, the company is hoping to build on marketing deals it has fostered through its video promotions. (Tsunami aid group World Vision is a sponsor for the upcoming tour, which is produced through a partnership with Moore Entertainment Group.)

"We did a kid's meal with Applebee's for three months based around a video product," he says. "We have a few big names who are now interested in working on upcoming tours."

Overall, Smith says, it's about generating interest in the VeggieTales franchise. "If I develop more fans out of this that will then buy videos, that's what is important to us," he says.

MARKETERS (cont.) from >>p25

Bowen is quick to point out that the in-house marketing staff supplements, not replaces, the promoter's efforts.

"In light of the recent concert industry ticket sales slump, promoters are eager to work with in-house marketing more than ever before," he says. "It becomes a 'more the merrier' situation. When there are more ideas, marketing opportunities and people selling the show, ticket sales should increase."

Overall, tour organizers are becoming more receptive to the arenas' marketing expertise and the idea of paying for it. "I would say there is a better acceptance," Nazro says.

"However, there is some resistance to paying a commission. We say that this is short-sighted because we have the 'in' at so many places."

And, increasingly, arena promotion involves playing a risk-taking role. Ryan believes he speaks for many arenas when he says, "If we weren't in a position to promote or co-promote events in-house, we would not have our current level of bookings. Arenas that can take serious financial risk and back it up with a solid promotional effort will be a busier venue. I would like to think that local marketing support always results in greater ticket sales. "

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In-House Success Stories

BY RAY WADDELL

What can a venue’s in-house marketing staff offer to promoters? Here are a few examples from current tours.

Motley Crue
Wachovia Center
Philadelphia

Global Spectrum and McFarlane Toys teamed to offer concertgoers at five venues, including the Wachovia Center in Philadelphia, the chance to win a set of Motley Crue action figures and a pair of concert tickets.

The promotion was part of Global Spectrum’s effort to explore more creative marketing tools, while McFarlane Toys wanted to expand its customer base.

Consumers entered the contest through each venue’s Web site. One winner was randomly selected from each site, and prizes were distributed at the venue the day of each Crue show.

The toy set is available at select retailers for $50-$60. Sets were given away at the Wachovia Spectrum (March 4); Kemper Arena in Kansas City, Mo. (March 15); Veterans Memorial Coliseum in Des Moines, Iowa (April 11); John Labatt Centre in London, Ontario (April 16); and Budweiser Events Center in Loveland, Colo. (May 1).

Sarah McLachlan
Constant Center
Norfolk, Va.

Sarah McLachlan’s May 11 concert at the Constant Center tied in with Mother’s Day by offering two types of VIP packages.

A Mother’s Evening of Pampering, in partnership with local business Visions Hair Studio and Day Spa, took place prior to the show. A $59.99 package included hair, makeup, massages, hand treatments, spa products, light appetizers and beverages and one club-level concert ticket. Additional tickets were $57.75 for the concert only.

“The in-house marketers can cater better to our audience.”

—KIRSTIE SHIELDS, CONSTANT CENTER

The other package, which cost $140, was offered in partnership with the New Leaf of Norfolk and Willow’s Fine Flowers and Gifts of Yorktown, Va. It included two concourse-level tickets, one McLachlan “Afterglow” CD and a Mother’s Day bouquet.

Constant Center director of marketing Kristie Shields says her staff came up with the concept, and the promoter was not involved. “We were looking to add a hospitality option to the show,” she says. “Because in-house marketers are familiar with their individual market and guests, we can cater better to our audience.”

VeggieTales
Conseco Fieldhouse
Indianapolis

Conseco staff created a marketing plan that involves a cross-promotion with the venue’s WNBA team, the Indiana Fever. With every VeggieTales ticket purchased, the buyer receives a ticket to the Fever game the night before the show.

The promotion offers the show a “highly expanded marketing plan with far more visibility than would normally be available,” says Jeffrey Bowen, VP of scheduling/promotion services at Conseco, which is operated by the NBA’s Indiana Pacers.

The promotion was announced at the Fever home opener May 22. It will continue until the tie-in game Aug. 4. The VeggieTales date is Aug. 5.

In addition to boosting awareness for VeggieTales, the promotion creates a ticket-sales opportunity for the Fever that would not otherwise have existed, Bowen says. “We were already considering buying the date [for an in-house promotion], but having a marketing/ticket sales department that could create the cross-promotion together made the deal parameters much more enticing and helped make our decision easier.”

Conseco bought the VeggieTales show from producers Moore Entertainment and AEG Live.

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Stones Will Christen New Charlotte Arena

There is nothing like a Rolling Stones concert to work all the bugs out of a new arena.

The New Charlotte (N.C.) Arenna will host the Stones as the building's first ticketed event Oct. 21. Produced by Michael Cohl's Concert Productions International, with Clear Channel Entertainment's the Next Adventure and local Cellular Door promoter Wilson Howard, the Stones date quickly went clean.

To host the Stones, the $255 million, 18,000-capacity arena had to move up its opening date from Nov. 1 to Oct. 21. That Charlotte was able to nail down a Stones date is a testament to the aggressive outreach to the concert market by GM Marty Bechelot.

"Marty chose that [Stones date] over minute one," says Brandon Lucas, marketing director at the New Charlotte Arena. "And there's no better way to open a building than with the Rolling Stones."

With the massive production challenges and potential for glitches that a Stones date can bring to even an established arena, the New Charlotte Arena staff is hoping for some other events in the building prior to the concert, giving it at least some sort of soft opening. "We're hoping to announce some other things as we move forward, but a lot depends on the construction schedules," Lucas says.

The arena is owned by the city of Charlotte and managed by the NBA's Bobcats organization.

**STILL ROCKING:** ZZ Top has about 60 dates on the book for this summer, playing a mix of fairs, festivals, amphitheaters, casinos, vineyards, civic centers and arenas. This will be the Top's 35th year, and with original members Billy Gibbons, Dusty Hill, and Frank Beard, the little of band from Texas lays claim to being the longest-running road show in rock. ZZ Top is booked by Jeff Hill at Creative Artists Agency.

**MULTI-MOGUL:** Miami-based promoter Jack Uttsick has numerous side businesses, including concerns in the artist management, modeling and record-label arenas. Uttsick is also a movie producer, and was recently at the Cannes Film Festival to promote "Pledge This," an upcoming Uttsick production that stars Paris Hilton. His daughter, Mickey, also appears in the film.

**IN STOCKTON:** James Rodems has been named GM of the Stockton Arena by IFC, the managing company of the Stockton (Calif.) Events Center. Rodems comes to Stockton from the University of California, Davis, where he was director of the Activities and Recreation Center and the Pavilion. He will manage the 10,000-seat Stockton Arena and oversee the operation of the 5,000-seat Stockton Ballpark and Oak Park Ice Arena.

The Stockton Arena opens Oct. 21.

**THE ROLLING STONES** will play the New Charlotte Arena Oct. 21.

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**BOXSCORE**

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**THE ROLLING STONES** will play the New Charlotte Arena Oct. 21.
THE THRILL IS ON

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The future of the facility management business is all about marketing, says Peter A. Luukko, president of Comcast-Spectacor Ventures and chairman of Global Spectrum in Philadelphia.

Luukko, 45 and a 20-year veteran of the company, remembers a time when few venues had their own marketing departments and ticketing databases could not be mined for consumer data.

Today, building managers are encouraged to run their own marketing campaigns, come up with innovative ways to sell their buildings and get into untapped event markets. Luukko says his managers need to have an entrepreneurial spirit and be willing to take risks.

Comcast-Spectacor Ventures—which includes public-assembly management company Global Spectrum, concession firm Ovations Food Services, New Era Tickets and Comcast-Spectacor Minor League Operations—runs 45 facilities, mostly stadiums and convention centers. It is also involved in constructing the new Busch Stadium (future home of baseball's St. Louis Cardinals), opening in 2006, and New York's Brooklyn Atlantic Yards project, which will feature office buildings, housing units and an arena.

Q: How has the facility management business evolved in the past 20 years?
A: The teams and the concert market are two areas that have progressed. Over the years, the facility and the teams, for what ever reason, seemed to always be at odds. Where I've seen the business evolve from our standpoint is the fact that we now work very closely with the teams. We know that if we work together, one and one will be three, whether it's working together selling club seats or sponsorships or signage in the building.

The most exciting part of the business that has evolved is the concert market. Some people will say that it isn't as good as it used to be, but I actually think it's better. I think that agents, managers, promoters and facilities all work together to make shows happen and to market shows. Years ago, buildings might have talked to a promoter but never talked to agents and managers. I think our company was one of the first companies to do that.

Q: Is there any standard way that building and talent negotiations happen now?
A: At one point it was the standard—buildings just quoted a rental percentage and that was it. And then buildings that sat back in that fashion and weren't willing to co-promote on various events and that weren't interested in any risk or weren't interested in marketing an event, you know, those facilities stopped getting events or got less events.

It's not so much a negotiation with a promoter anymore as much as it is, how can everybody make a fair profit and get the act to come to your city?

Q: You got onboard with an untested Mötley Crüe at the start of its reunion tour in 2005. Is that kind of risk-taking typical for your operation?
A: Mötley Crüe is a great example of us. I think we picked it up six dates, and it was something that we just had a good gut feeling about. What really is exciting is that Clear Channel and AEG had passed on those, and there were no hard feelings. They just didn't happen to think it was their best investment at the time. Obviously they picked up dates as the tour went on.

Q: How has it become more critical to have sponsorship for events?
A: What's fantastic about sponsorship is it gives you a foundation of revenue so that in many cases you can take more risk with an event. We're also finding out that sponsors aren't just throwing money to be attached with the name of an event anymore. They want an interactive sponsorship. They want bump back. They want to see sales results.

Q: What kind of impact did the NHL strike have on arenas?
A: Financially, it's obviously very difficult for those cities where the teams do very well. It has been a wake-up call for everybody. Professional sports tickets are very high-priced, the salaries are very high, and it really shows that players and owners have got to work together to ensure the long-term success of the business.

Q: What are the pros and cons for an arena of going with a private management firm?
A: It gives you consistency in management if you're not from this business and your city builds an arena... From a negative standpoint, sometimes you hear, "Well, they're giving up control." We as a private venture firm always like to participate in the community, so again, you give up control, but if you really don't know the business, do you want to be controlling it?

Q: What are the biggest challenges facing your company this year?
A: Growth is always our biggest challenge. But just as challenging is continuing to grow people within our company to take the upper management jobs as it pertains to running a stadium or being involved in ticketing or working with our teams.

Q: Will the three main areas you oversee—Global Spectrum, Ovations Food Services and New Era Tickets—all experience growth this year?
A: All of those businesses are growing individually. For instance, I'll use the Budweiser Events Center in Laramie County, Colo., as one example where we came in as the manager of the facility. We bought our concessions company in and are now doing the ticketing also.

There are many instances where we're just in the building management... So each company is growing independently but also working together to help each other and to provide better service to our clients.

HIGHLIGHTS

PETER A. LUUKKO

1983: Joins the Providence (R.I.) Civic Center as assistant manager.
1989: Serves as VP of Spectator Management Group's Western region and facility manager for the Los Angeles Coliseum and Sports Arena.

Peter A. Luukko
The marriage of music and mobile is in full blossom in Europe.

For anyone attending a live music event in Europe this summer, the signs will be everywhere, with such wireless operators as O2, T-Mobile and Orange—as well as manufacturers like Nokia, Sony Ericsson and Samsung—applying their brand names to venues, tours and festivals.

Through their deals with music and touring interests, mobile operators can promote their brands to specific communities, share revenue from handset-generated ticket and music sales, provide rich content to their subscribers and drive traffic on their networks.

In return, concert promoters, artists and labels get targeted access to a large subscriber base and benefit from the marketing budgets of mobile companies to promote their events.

The latest hookup between the mobile and live-entertainment businesses is the groundbreaking deal by Los Angeles-based Anschutz Entertainment Group to rename London’s Millennium Dome under a sponsorship arrangement with U.K. wireless group O2 (Billboard, June 1). The move signifies more than the renaissance of the historically troubled venue, now called the O2; it opened the door to marketing opportunities for both sides.

As the world’s second-biggest promoter after Clear Channel Entertainment, AEG works with such superstar acts as the Rolling Stones, Madonna, Justin Timberlake and Prince. AEG president/CEO Tim Leiweke says he is confident of persuading acts performing at AEG concerts to provide content—including CDs and downloads—for sale to O2 customers.

“Through our live-entertainment division, AEG Live, we’re very aggressive at creating new revenue streams for our artists, and a majority of that income goes back to the artists,” Leiweke says. “What’s more, the artists can promote their CDs and tours to O2’s 14 million U.K. subscribers. (O2, a spinoff from British Telecom, has an additional 9 million subscribers in continental Europe.)

As for AEG, Leiweke says, “The arrangement is purely a marketing tool, because we don’t want to be competing with the labels.”

O2 will have its logo on virtually every aspect of the Millennium Dome’s structure, including the new 23,000-capacity arena, a smaller 2,000-capacity venue, bars, shops and cell-phone recharging booths. O2 also will use the opportunity to sell exclusive music to its customers.

Paul Samuels, London-based head of sponsorship for O2, says his company has sponsored numerous gigs, including 17 last year. O2’s music calendar for 2005 is highlighted by the new Wireless Festival, London’s first multistage rock festival. New Order, Kasabian, Basement Jaxx and Keane will headline the event, which takes place later this month.

Promoted by CCE, the Wireless Festival will feature a chill-out area exclusively for O2 customers, who can enter only with special downloadable bar codes on their handsets. “Mobile bar-coding has not been done on such a large scale at a music event before,” Samuels says.

Such integrated branding arrangements often require multiple partners. CCE U.K. director of festivals Stuart Galbraith, whose responsibilities include the Wireless Festival, predicts that “promoters will be working more closely with the labels in the future, because we’ll need to do more deals with the owners of the music.”

**THE BEAT GOES ON**

The festival business is nothing new for T-Mobile, which for four years has been involved in a series of electronic-music festivals called “electronic beats.” This year’s festivals will take place in Germany, Scotland, Austria and the Netherlands from June to September.

Under a marketing partnership with Sony Ericsson, the events will be used to promote the new D350i phone, which features an MP3 player and FM radio. Fashion merchandise and other products also are offered to young T-Mobile customers under the electronic beats brand.

The similarly branded Sundowner tour is being staged this month and next at 500- to 800-capacity venues in the United Kingdom, Germany, Hungary, Croatia, Austria, the Czech Republic and the Netherlands. T-Mobile is also involved with Rock am Ring and Rock im Park, Germany’s biggest open-air hard-rock events.

In addition, the company will present Hungarian Connection, a free outdoor festival June 26 in Budapest, headlined by Lionel Richie. Some 400,000 are expected to attend.

Ralf Luelsdorf, Bonn, Germany-based head of music sponsoring at T-Mobile International, says, “We’re constantly working with emerging and established artists. At electronic beats, for example, we offer fans of that music a special experience at the concerts, and they will also receive content during the festival activities.” Specifically, fans receive festival updates on their handsets.

Orange, another Europe-wide wireless operator, extends its involvement with live events this summer when it launches the gigsandtours.com Web site with U.K. promoters SJM Concerts and Metropolis Music.

At the Glastonbury Festival in England and Scotland’s T in the Park there are Orange-branded tents where fans can attend workshops on how to use Orange’s Fireplayer, mobile software that enables users to remix and create their own master ringtones.

Orange also has a relationship with Sony BMG Music Entertainment to raise the profile of Sony BMG acts among mobile users. Orange and Sony Ericsson sponsored the spring U.K. tour of Cheeky/Sony BMG group Faithless, one of Britain’s top dance acts. The tour coincided with the May release of the greatest-hits package “Forever Faithless.”

Orange U.K. head of commercial and brand partnerships Julian Diment says the Sony BMG relationship is an example of how labels and mobile operators can work together.

“What we’re looking to do in this partnership with Faithless is to give their fans something they can’t get elsewhere. And the key to this is the partnership between the label, the artist and the Orange brand,” Diment says.

In May, purchasers of Sony Ericsson’s new
A recent concert by Sony BMG artist **NATASHA BEDINGFIELD** was streamed live via U.K. telecom company 3's wireless network.

Danny van Emden says, "In turn, handset manufacturers are looking to grow their place in the value chain, because consumers are updating their handsets more often than they used to."

**MOBILE GIGGING**

One development that has been treated with caution by mobile operators is live streaming of concerts. In what appears to be an isolated experiment, telecom newcomer 3, operator of a third-generation mobile network in the United Kingdom, teamed with Sony BMG in March to offer an exclusive Natasha Bedingfield concert to its subscribers. The concert was part of a wider arrangement that made Bedingfield’s latest video, "I Bruise Easily," available through 3’s video jukebox service, which allows users to stream or download videos to their cell phones.

Mobile companies are not expected to flock to live streaming, which carries high transmission costs and is also too expensive for most consumers. "Streaming concerts on mobile phones is not economically viable in its own right," one mobile executive says. He believes that few consumers are attracted by live concert broadcasts on TV and that much the same can be said about mobile gigs.

However, the executive adds that such opportunities as the Bedingfield concert for 3 are about brand positioning and the need to reach a specific community. "Operators would not do it for revenues but for brand awareness and consumer acquisition and retention," he explains. No information was available from 3 on the number of fans who streamed the Bedingfield gig.

Nevertheless, O’s Samuels insists that the increase of music-related traffic on mobile networks can only benefit the music community in terms of promotion and exposure.

"We want to give the music industry the opportunity to sell more music to consumers," he says. "With people carrying mobile phones everywhere as part of their lifestyle, artists can get direct access to our millions of customers. And the more we promote our activities at live music events, the more we know people will buy mobile music."

**£79 ($125) K500** phone, which comes in Faithless-branded packaging, had access to exclusive Faithless downloads, master ringtones and a new Faithless video. More exclusive Faithless content was available via the Orange World online portal. And, in a short trial going on now, Orange subscribers are able to place their handsets next to a selection of advertising billboards in London and use Bluetooth technology to download Faithless content.

Like Sony Ericsson, Nokia sponsors live entertainment events, including the CCE-promoted Nokia Isle of Wight Festival (June 10-12), the recent Nokia Urban Music Festival in London and the Nokia Night of the Proms tour this fall in Belgium, the Netherlands and Germany.

Another handset company, Samsung, recently worked with EMI Music to sponsor the U.K. regional tour by Turin Brakes for its new album, "Jackin’ A Box." The May 31-June 4 tour was promoted on Samsung’s Fun Club Web site and on the Raft, EMI’s consumer Web site. Before the tour, the Fun Club site featured competitions and exclusive content from the Raft, plus streamed video content available only for Samsung handsets. And every week, the Raft updates the Turin Brakes master ringtones.

The Raft also will create micro-sites covering this summer’s music festivals for Samsung. "The idea is to drive sales of the new album to Samsung’s large database of U.K. customers and get access to consumers that we might not be getting," EMI Music digital-media director...
eMusic is the largest retailer of independent digital music in the world. The Orchard is the largest marketer and distributor of independent digital music in the world. Can you image what they'll be like when digital music grows up?

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- Is a global company, with operations in New York, Buenos Aires, London, Paris, Tel Aviv, Moscow, Hong Kong, Tokyo, and Melbourne.

www.americanradiohistory.com
The digital future is not here yet

By Antony Bruno

The market for digital entertainment is poised for dramatic growth over the next several years. The number of digital distribution channels for music is growing increasingly diverse as consumers and music industry executives warm to the idea of easy access, on-demand entertainment.

What began with peer-to-peer file sharing has evolved into wireless ringtones and full-song downloads, podcasting, Internet streaming via blogs, Internet radio and more. The proliferation of these different digital music options provides new opportunities and new complications for the music industry, which is struggling to keep up with the rapid pace of technological innovation.

Digital rights management, licensing and uncertain business models are just some of the issues that must be addressed for each new technology and format bubbling to the surface. At the same time, consumers are growing increasingly tech-savvy and are demanding more features and accessibility as their appetite for digital entertainment expands.

In this report, Billboard outlines the key topics affecting the shape of today's digital entertainment landscape.

Interoperability
Perhaps the most anticipated digital music development is for the walls between proprietary file formats to break down so that music can be bought anywhere and played anywhere.

Former Recording Industry Assn. of America chairman/CEO Hilary Rosen raised eyebrows in a recent Internet blog post where she openly criticized Apple Computer CEO Steve Jobs for creating the problem by keeping the iPod/iTunes system closed.

"Keeping the iTunes system a proprietary technology to prevent anyone from using multiple music systems is... anti-consumer and user unfriendly," Rosen wrote.

The government is even mulling an intervention. The House Judiciary Committee held a hearing recently to consider whether the government should intervene in the issue through regulation. Options span from mandating complete interoperability between music services and devices to a standardized labeling system that would outline which devices work with what services.

Microsoft has launched a major digital-music ad campaign expected to feature its compatibility with multiple devices.

In the meantime, Apple is facing multiple hacks of the iTunes Music Store from users demanding interoperability, including the longstanding FYMN-project.org and the newer PyMusique program.

P2P Incentive-Based Services
P2P file-sharing is the genesis of the digital distribution market, but the full potential of that technology still is not clear.

One tactic gaining traction builds on the power of P2P communities. It gives users a share of the proceeds generated from sharing files with others. These incentive-based models allow users to trade music files that can be played for a limited amount of time before the new user must buy it. The person who provided the track is then given either points or direct payments for each shared file that is ultimately bought.

Making the biggest splash with this concept is Weedshare, operated by Shared Media Licensing, which developed the technology that governs this incentive-based system. Using a similar strategy to address the file-sharing issue on college campuses is World Media, whose Peer Impact P2P service is similar to Weedshare in that users earn money for sharing files at a set price.

World Media has launched a tour of 20 college campuses to promote legal P2P services and sign up users to test the Peer Impact P2P service, which has won the blessing of all four major record companies—EMI Music, Sony BMG, Warner Music Group and Universal Music Group.

Other services pursuing continued on >>p40

www.americanradiohistory.com
The stage is set. Yahoo! Music puts your artists in front of nearly 30 million music-loving fans, every month. With streaming music videos, LAUNCHcast Radio, the latest news, original and live content, fans aren’t just visiting our site, they’re hanging out there. And now with the release of Yahoo! Music Unlimited subscription service, this might just be the biggest gig ever.
A NEW SET OF PLAYERS

The rapid growth of digital music technology has been matched by the increasingly rapid introduction of digital music players to compete with the ubiquitous iPod. Here is a glance at several new and noteworthy devices.

Zen Micro (pictured below left)
Creative
creative.com
Creative is looking to drive adoption of its subscription-compatible answer to the iPod Mini with a new competitive pricing strategy, announced March 1. The company is offering three tiers of storage capacity and pricing, including a 4 GB player for $179.99, plus 10 color options.

Carbon Pearl (pictured below right)
Rio
riocom
Rio continues to push the envelope on price among mini hard-drive players. A 4 GB version of the Carbon Pearl was introduced June 1 with a suggested price of $249.

iRiver H10
iRiver America
iriveramerica.com
The new iRiver 5 GB player comes with a color screen for viewing photos and is among the first devices to offer out-of-the-box compatibility with portable subscription services from Napster, RealNetworks and F.Y.E.

Network Walkman NW-HD3
Sony Electronics
sonystyle.com
Sony is the sleeping giant in the digital music player space. The company is hoping that the addition of support for the MP3 format will drive greater consumer interest in its line of hard drive and flash products.

—BRIAN GARRITY

FUTURE (cont.)

from >p.37

an incentive-based file-sharing strategy include ClickShare, Javien, P2P Cash and Digital Containers.

WIRELESS
The fact that consumers will pay $2.99 for a ringtone but balk at paying 99 cents for a full song has the music industry befuddled—but it is playing along as it tries to establish a logical pricing model.

The ultimate goal of record companies and wireless carriers is to transform a wireless phone into a mobile jukebox—using the wireless platform to find and purchase full tracks, then listen to those songs on an MP3 capable phone. Sony is the most aggressive in this category, offering several channels of streaming music to subscribers who pay extra for the service.

And wireless phones are rising to the challenge. While the industry still waits for the Motorola/iTunes capable phone, Nokia beat them to the punch with its N91 model, which supports a mobile jukebox phone capable of storing 1,000 songs.

But Motorola is planning a revolutionary new portable music service called iRadio that uses the mobile phone as the bridge to transfer music from the home to the automobile and elsewhere.

However, a potential roadblock to wireless music is an ongoing dispute between wireless carriers and the software companies that provide digital rights management protection. The wireless industry refuses to pay the technology licensing fees demanded by such companies as Sony, Panasonic and others, leading to a drawn-out battle that may stall progress.

SUBSCRIPTION VS. À LA CARTE

While Apple’s iTunes Music Store has topped more than 400 million downloads, the music industry is still trying to find a way to make money from digital music. The revenue margins of the 99 cent download are simply too thin for anyone to make a profit. All-you-can eat subscription services, however, offer a fatter pie to slice up, and record labels have stated their preference for the system . . . if the public goes for it.

Subscription music services like Rhapsody and Napster have reported sharply rising subscriber numbers and revenue figures, adding momentum to the business model. Rhapsody boasts more than 1 million premium subscribers, and recently beat revenue expectations by $3.5 million for first-quarter 2005. The company’s new service upgrade is offering basic users 25 free tracks per month, as well as an option to transfer tracks to a portable player, which it hopes will boost these numbers.

Meanwhile, Napster announced it now has 40,000 plus subscribers, a quarterly increase of more than 50%, and has raised earnings expectations twice, from $14 million to about $17.5 million. Napster is putting $30 million behind an advertising campaign to promote its Napster-to-Go service, urging fans to “do the math” on the costs of filling an iPod versus signing up for a music subscription.

And Yahoo most recently jumped into the subscription waters with a big splash, possibly initiating a price war with its limited-time $5 a month portable subscription fee until the service completes its public testing phase.

But subscription models have proved a hard sell. A recent Parks Associates survey measuring various digital music consumption habits found 49% of its respondents still favor the à la carte download model, while only 8% prefer subscription.

As more portable subscription-enabled devices become available with varying storage capacities and price points, more subscription service providers may follow Napster’s lead and begin aggressive customer outreach and educational campaigns of their own.

Apple’s Jobs has stated his disdain for the subscription model. But he also once said Apple would never make a flash-based music device, and the company now owns 58% of the flash market with the iPod Shuffle. Many expect Apple to adopt a subscription model once the economics of doing so make sense.

PODCASTING

There’s still no word on whether podcasting is anything more substantial than a cool-sounding name, but the technology has generated a lot of attention.

Podcasting is a largely do-it-yourself system for recording homemade radio shows into an MP3 file and making them available to download and play on their computers or portable media devices.

 terrestrial radio group Infinity and Sirius Satellite Radio have jumped on the podcasting bandwagon. Sirius has begun broadcasting a talk show by podcasting pioneer Adam Curry, a former MTV VJ during the ‘80s. Infinity, meanwhile, has launched what many believe will be the first podcast-only station, broadcasting select podcasts submitted by its listeners on the air and via a new Internet radio station.

To date, the technology has been limited primarily to talk shows, but there is increasing interest in adding music playlists.

But music labels are hesitant to distribute music in a downloadable file unless the proper licensing is obtained. Performance rights organizations like BMI and ASCAP have created blanket licensing schemes to address the podcast issue, but labels have not yet followed suit with a licensing program of their own.

Indie labels and unsigned acts are expected to lead the way in using podcasting to offer virtual showcases of sorts. Also, several podcast aggregators are preparing to open Web stores to offer surfers a one-stop shop for all their podcast needs. Podchannels is one such company, which is expected to go live in early June.

BLOGS

Artists increasingly are turning to Web logs, or blogs, for exposure. Unsigned bands and established acts like Weezer and Oasis have used such Web-based communities to stream their upcoming releases in advance of their release date. Blog service myspace.com has taken the lead in this effort, with more than 300,000 bands hosting blogs on the service.

The site’s motivation is simple. Myspace.com counts more than 18 million users and has used exclusive music deals to capture a top 10 slot of Internet page views month after month, according to comScore Media Metrix.

What’s next for blog services? Playlist sharing and integration into instant-messaging communities are already gaining steam. AOL, Yahoo and MSN all now offer blog services that let users highlight their favorite songs.

Users can choose to link the music they’re listening to and see playlists on their buddy lists and listen as well. “We’re focused on making music more of a social experience than just a stand-alone silo, listening to music on your own device,” says Rob Bennett, senior director of MSN Entertainment.
As Christians across America rediscover the power of hymns, the music community is reviving the classic church repertoire through a wave of albums from some of the biggest contemporary Christian stars.

Coming on the heels of the praise and worship boom, the hymns movement is already having an impact in the marketplace.

But where praise and worship contributed potent new songs to the religious music lexicon, this new movement relies on the traditional hymns that most church-going Christians grew up singing in pews on Sunday morning.

And that seems to be a big part of the attraction.

"Hymns are timeless," says contemporary Christian superstar Amy Grant, whose "Rock of Ages...Hymns & Faith" debuted at No. 1 on the Top Christian Albums chart in May. The Word/Curb/Warner Bros. release has sold 54,000 units, according to Nielsen SoundScan.

"What I find interesting is those of us that are recording hymns are not recording them the way we grew up with them," Grant adds. "We're all going in and putting a more current, creative twist on these songs."

So, while the lyrics are classic, the projects represent an array of styles. They range from the Oak Ridge Boys' signature country/Southern gospel sounds on "Common Thread" (Spring Hill Music) to the urban pop of Out of Eden's "Hymns" (Gotee) to the jazzy organic approach MercyMe frontman Bart Millard takes on "Hymned," a solo effort due Aug. 16 on Simple/INO Records.

Other key recordings include Jars of Clay's "Redemption..."
Songs” (Essential), Ashley Cleveland’s “Men & Angels Say” (Rambler), Buddy Greene’s “Hymns & Prayer Songs” (Spring Hill) and numerous multi-artist collections such as Spring Hill’s “Shout! Hymns” and Maranatha Music’s “Top 25 Emergent Hymns” and “Celtic Hymns.”

Further, Dove Award-winning trio Selah has built a successful career reviving hymns on several Curb Records albums.

“You put all those hymn records up together, those unique voices come together and the one unified voice is the timeless truth of the lyrics,” NOH Records president Jeff Moseley says.

Indeed, Grant says the lyrical depth and theological content found in the hymns are providing a source of renewed inspiration for artists and fans.

“The lyrics are the things that are so phenomenal about the hymns,” Grant says. “You might forget every sermon from your childhood, but you remember the teaching because it was in the songs.”

Grant’s most recent set, released in May, features an earthy, rootsy take on such chestnuts as “I Surrender All,” “Joyful, Joyful, We Adore Thee,” “Sweet Will of God” and “Rock of Ages,” a duet with husband Vince Gill.


REVIVAL SPIRIT

Whatever the commercial possibilities for hymn albums, many of the artists seem more driven by a quest to revive the repertoire. Millard chose to make his first solo album a hymns project in part because he wanted to create something special for his young son. “I was talking to someone and said, ‘It’s weird the way that music is going, there may be a chance that my son won’t have memories of old hymns as I did growing up.’” he says, pointing out that many churches have replaced hymns with contemporary worship music. “It was hard to think about it, and that’s part of the reason I wanted to do this, to respect where I came from and the music I grew up [hearing].”

Soulful rocker Ashley Cleveland agrees. “I’m an ongoing crusader to keep the hymns alive in the church. This is my maximum effort on that front,” she says of “Men & Angels Say.”

“I’ve played so many churches where no hymns are done and so many people that have come into the church in the last 10-20 years don’t come from a church background and don’t know them,” she adds.

Likewise, the members of pop/rock outfit Jars of Clay loved the idea of introducing their young rock audience to the classics. Their hymns album debuted at No. 1 on the Top Christian Albums list in April and has scanned 84,000 units.

“What I find interesting is those of us that are recording hymns are not recording them the way we grew up with them. We’re putting a more current, creative twist on these songs.”

—AMY GRANT

WARPACTIVITY

With so many hymns albums being released this year, Word Distribution created a special marketing program for Christian retail. The “Hymns & Stories” promotion runs June 1-Aug. 1 and features 11 titles, including albums by Grant, Cleveland, Greene, Fernando Ortega, Randy Travis and Gordon Mote, as well as several compilations. Consumers who purchase any of the featured titles get a free CD of the “Celtic Hymns” compilation.

The featured titles are displayed as part of the Word Audio Retail Program (WARP), according to Word Distribution marketing director Laura Neutelzing.

“It’s a listening unit that can be mounted onto an endcap and it has a touch pad that features the titles of a specific promotion,” she says. “You can press it and hear snippets of the projects featured. We have those in about 500 stores.”

Neutelzing says Word plans to advertise the promotion and point fans to some of the larger Christian retail accounts such as Family Christian Stores.

Churches remain the prime vehicle for exposing the hymns, but radio is not being ignored. Word sent a six-song sampler from Grant’s “Rock of Ages” to Christian radio. NOH is working Millard’s “MawMaw’s Song (In the Sweet By and By)” to Christian adult contemporary and inspirational stations. Jars of Clay is No. 17 on the Hot Christian Adult Contemporary chart with “God Will Lift Up Your Head.”

Moseley expects sales of Millard’s “Hymned” to be driven in large part by press. The album is Millard’s first solo outing away from MercyMe.

“We plan very heavy in-store positioning,” he says. “That’s primarily the way we’ll let people know about it. We are going to work [at] informing the MercyMe buyers about Bart’s new record and we have a very strong initiative on the net . . . When they hear it, they’ll enjoy it so we’re doing a lot of sampling and streaming.”

AGE-OLD DILEMMA

As hymns become popular again, worship leaders are facing what Millard describes as “an age-old dilemma between hymns and contemporary worship.” Unfortunately, Millard says many churches have opted for the contemporary.

“There’s some amazing material being lost,” he says. “[Ours is] one of the few churches that still have the hymnals in the pews. That’s not right or wrong, it’s just a shame because of the worship trend. There’s a part of my life that my son won’t know if we keep hymns in the direction we are going. There should be a balance. When we stop looking back to our past, our elders and the songs that were written that became part of the foundation of our doctrine, then I think we are in trouble.”

However, Millard does not want the pendulum to swing too far in the other direction either. He admits there’s a risk with hymns becoming the next trend. “We got a bittersweet taste thinking people are trying to saturate the market,” he says of the onslaught of praise and worship albums. “People almost started turning off to the worship trend for awhile and it was a shame. I don’t want to see that happen to these hymns.”

Out of Edvin’s Kimmey agrees that it is good to see the hymns receiving renewed exposure, but hopes the trend does not go too far.

“I think worship got branded as a style of music and to me, a rap artist can do a worship song. It doesn’t have to be acoustic guitar and a vocal. It’s dangerous if you begin to brand things because then we leave out a lot of different cultures. So I hope the hymns don’t become so commercialized that they lose some of their strength and purity.”

INO’s Moseley is encouraged by a burgeoning movement he describes as “blended worship” that incorporates contemporary praise and worship and the classic hymns.

“Blended worship is one of the largest things happening in the church today,” he says. “You have a lot of churches that are moving from the historical tradition of hymns and experiencing more of the worship-oriented songs. Then you have churches that have been fairly contemporary and primarily praise and worship [based] that are rediscovering the truth of the hymns. What they are trying to do is blend them into a more contemporary format.”

A SOOTHING BALM

Duane Allen of the Oak Ridge Boys says people have become more receptive to hymns because of the turbulence in modern life.

“People ask for gospel music in times of crisis because it gives them something to cling to,” he says. “People today are looking for something that is real, and in times of war and trouble, people turn to God because that is where they can find some peace and comfort . . . Our world has been in crisis since Sept. 11, 2001, and I believe musicians are responding to the call of people everywhere—especially here in the U.S.—who are calling out to hear more about God.”

In fact, many centuries-old hymns were written in response to tragedy and turmoil, often by writers who overcame tremendous personal challenges. Blind songwriter Fanny Crosby wrote some of the most uplifting hymns in the church repertoire in the 19th century, including “I Am Thine, O Lord” and “Blessed Assurance.” Another 19th-century figure, Horatio G. Spafford, who wrote the classic “It Is Well With My Soul,” lost his four daughters when a ship they were traveling on sank en route to England.

“What’s really amazing about a lot of these songs is the people who wrote them endured unbelievable losses and suffering in their lives,” Cleveland says. “Yet they were able to write these songs of unbridled praise and adoration. That blows my mind.”

Mercyme’s Bart Millard recorded a hymns album out of respect for the music he grew up with.
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all Toby Keith "oil field trash" if you want to; this Oklahoma native considers it a compliment. Fiercely independent, loyal to his inner circle and stubborn in his convictions, Keith makes no apologies for his background or his beliefs. While he may look pissed off, Keith is actually having a real good time. He is perennially ranked among country's elite touring artists, thanks to a knack for writing hit songs and a platinum streak at retail. That streak continued with his new DreamWorks album, "Honkytonk University," which debuted at No. 1 on the Top Country Albums chart and at No. 2 on The Billboard 200 as Keith prepared to launch his Big Throwdown II summer tour June 10 in Charlotte, N.C.

A few weeks before the album's arrival, Keith spoke candidly with Billboard by phone from Los Angeles between bites of a fish taco and takes of a video shoot.>>

COUNTRY SUPERSTAR GRADUATES WITH HONORS FROM 'HONKYTONK UNIVERSITY'

BY RAY WADDELL
from >> p45

If Keith is portrayed—inaccurately, he says—as a gun-waving right-winger, largely because of his support for U.S. troops, he can handle it. “It comes with a lot of pain, being that guy, but it’s nothing like serving over there,” he says. “That’s real pain.”

Here we heigh in on hony-tonks, the record business and the fine art of being Toby Keith.

How autobiographical is the title cut of your new album, “Honkytonk University”? Dead on. 100%

Including the part about your grandma’s hony-tonk?
Yeah, she had one down on the Arkansas-Oklahoma line, in Fort Smith, Ark., right across the river from Oklahoma. That’s the first place I was ever exposed to a band when I was a child.

I bet that was a rowdy place, getting those Arkansans and Oklahomans together. She was like Miss Kitty; she ran a pretty tight place. It was the last of a dying breed of what you called supper clubs, where the front end was a tavern—longnecks, jukebox and pool—and then you went into the back for fine dining and a nice band that played swing music and current country and a little bit of old rock’n’roll.

That was a pretty good musical education, wasn’t it? Absolutely. I told that high-school teacher I’d never need any fuckin’ calculus.

I guess football and music were your two main interests, then, growing up. By the time I was in high school I’d already been into football for seven or eight years. It was starting to jade me a little bit. I could see a future from my dad in the oil fields. I’ve always been a survivor and a very resourceful person, so that’s what I did: I started gravitating toward my strengths, writing songs and singing and playing music. I knew football wasn’t going to get me anywhere, but I had to go play some semi-pro just to get it out of my system.

When was the first time you got paid to play a guitar and sing?
First time I ever got paid for it was at a wedding, right out of high school. We played a wedding and somebody gave us $1,000, and that’s where the band came up with the name “Easy Money.”

After we went to the taverns, it was $35 a man a night, plus your beer. I never did go to college—went straight out of high school to work with my dad in the oil fields. I went to Honky-Tonk U.

How did you end up in Nashville?
I never did really go there; they sort of came to me. I went to Nashville one time for a meeting with [then Capitol Nashville president] Jimmy Bowen. He’s pretty legendary in that town. I came in with a bunch of songs, and I found out later he was on the golf course and didn’t have time to take a meeting. He put one of his flunkies on me, and the guy kind of spanked me and sent me home.

Harold Shedd [the producer of Alabama and others] heard a tape of me and flew into Oklahoma and heard me play live and signed me to Mercury. I still tease Bowen and say, “You had your chance 25 million records ago.”

So basically you got signed off the noise you were making in Oklahoma? It was regional. We were doing real well in Texas, Oklahoma, New Mexico, Kansas, Colorado, Arkansas, that little circuit there. There were seven or eight bands that rotated through there, including a band called Canyon that was really hot, out of Texas. A band called Stallion, a band called Lariat that turned into Ricochet. Little Texas was in that loop. Ricky Lynn Gregg’s band was in that loop. Jim Collins, the writer, he had a band that was hot. Part of the Lonestar boys were mixtures, I think, of Southern Wind and Canyon.

It was a great training ground. I don’t even think they have that quality of circuit anymore.

You did that Triple Play tour in 1993 shortly after you signed to Mercury, with Shania Twain and John Brannen. What was that like?
I was kind of the black sheep of that group. They had decided that John Brannen and Shania Twain were the two that the label was gonna go with and release that year. They were gonna put both budgets into one kitty and then take three people out and shoot it all at once. Which couldn’t have made Shania too happy, but Harold Shedd got it done because he had promised me.

So we get out and they asked me to open, Shania [will] come on in the middle and John will close. It was, like, an 18-city tour. We started in Louisville [Ky.] on Thursday night, and by Saturday night they had me closing and “Should’ve Been a Cowboy” was an instant breakout song.

So your debut single went straight to No. 1. Did you see that coming?
I didn’t feel it in the bars because you’re in a meat market, playing to people that want to dance to a live jukebox and chase the opposite sex around. I knew if I could ever get it to radio I figured it would be big.

Then it seemed like you got on a roll with the hits there for a while. The next song Harold really liked—“He Ain’t Worth Missing,” which went top five. Then we come back with “Little Less Talk” and “Wish I Didn’t Know Now.” Sold 2.2 million on that album, I think, and we were on our way.

continued on >> p4
Over 10 YEARS of recording

Over 25 MILLION albums sold


27 TOP 10 SINGLES, including 19 #1's (wrote 15 of 19 #1's)*

BILLBOARD'S 2004:
Top Country Artist
Top Country Artist Male
Top Country Album Artist
Top Country Album - SHOCK'N Y'ALL
Top Hot Country Singles & Tracks Artist

*numbers reflect R&R and Billboard
"You Ain't Much Fun" was the first song where you really showed your humor, showed a different side of your music. That was from the second album, "Boontown." We really wanted that for the second single, and they went with a song that everybody's forgotten about, "Upstairs, Downtown," which was really too much of a story ballad. Nice song for the album, but I never thought it was a single.

We came back with "Ain't Much Fun," and everything started picking up from there. Then my career just kind of plateaued off, and I just sat back and did an inventory on everything and said, "You know what? I've done it their way long enough. I'm gonna do it my way now," and I just fought with them like hell to get "How Do You Like Me Now?!", out there.

That was your first album released on DreamWorks, in 1999, right? DreamWorks was really good to me and we sold a lot of records together, but the truth is we went in and cut "How Do You Like Me Now?!", and that's what got me dropped at Mercury, because they refused that album.

And I went over to James Stroud and DreamWorks—James produced it—and that label was scared to put it out, just like Mercury. James and them knew it was a great album, but they were still afraid of the title cut and they went with a song called "When Love Fades."

When it started struggling at 33 on the charts and we hit the street and sold 5,000 or 6,000 units the first week, I said, "Man, you guys aren't giving me a chance to fire my biggest missile."

So they pulled the single in five days, put out "How Do You Like Me Now?!" and my career exploded.

You had that album already done while you were still at Mercury?

Mercury refused it twice. They took two songs off it that they thought were OK. "Getcha Some" and "If a Man Answers," and put it on a greatest hits, and said, "Go work on another album."

I went and recorded two more songs, turned it in again and they rejected it again. I asked them to drop me, and they did. I said, "What about the album?" And they said, "What about it?" I said, "Do you hate it?" They said, "Yeah." So I said, "Can I take it with me?" And they said, "Well, we've got some money tied up in it." So I go, "Can I buy it?" They said, "Yeah." So I bought it, took it over and sold it to DreamWorks. It got album of the year [from the Academy of Country Music] and sold over 3 million.

I guess you feel pretty good about that record. I've got a real good feel for my audience. My songs don't have to go No. 1; I've just got to feed the monster. I'm glad you asked me that story. I like to talk about it. It's like a fuckin' movie, dude.

I've heard you say you've accomplished your goals in music. Have you sacrificed a lot to do that? Nothing is accomplished or gained in this world without sacrifice. We're well provided for, I'm living my dream, I'm getting to help a lot of people that are close to me and dear to me in hundreds of ways, people that deserve it. There are a lot of people I can do things for and fix a lot of problems in the world. It's the best night job in the world.

continued on >>p50
Summa Cum Honky Tonk

Toby Keith—we salute you.
Congratulations on the great music—and on making it your way, always.
We’re proud to be your friend.
KEITH Q&A (cont.)

from >>p48
Let's do a little word association, tell me what comes to mind. Alright.

Willie Nelson.
Class act and an American icon.

Music critics.
Necessary evil.

Record companies.
Unpredictable.

The media.
Too liberal.

Merle Haggard.
The king.

The future.
Brighter.

Are you considering starting your own record label, and if so, why?
It's just time. We're in negotiations [with DreamWorks], so anything can happen. That's definitely an option. One way or another I have to be in a position where I'm in control of my music. I've practically been dared to do it. So, like it says in my song, don't double-dog dare me.

Do you ever feel like you've said too much to the media?

“I THINK THIS IS THE MOST STONE-COUNTRY ALBUM I'VE EVER DONE.”

They love that shit, man. That's what they're there for. I've got the best publicist in the world, Elaine Schock. She kicks every other publicist's ass. She'd be the first to tell you I probably don't need a publicist.

Do you feel like the perception of you is accurate, or do you care? Oh, it's inaccurate, and you do care. But there ain't nothing you can do about it, and I'm mature enough to know that you don't sit around and fret over things you can't control.

I showed somebody my 1992 voter's card with "Democrat" on it, they found out me and my dad were lifetime Democrats and it pissed off the liberals in Nashville, because they wanted me to be that right-wing Ted Nugent.

You and Ted did a USO tour together. You're a pretty formidable combination. If you were to ask Ted about me, he would say my head and heart are in the right place, but I'm so left of him it's not even funny.

Let's talk more about the new album. I've been putting out an album every year trying to keep DreamWorks afloat before they're sold to Universal. I was kind of considered a cash cow. Then we did a greatest-hits set, and I ended up having a little time this time to really work on the album, which is the way it ought to be. I live and die by what I write, so whatever [songs] she's thought of today, Dolly, Willie, Merle. Waylon. Cash. Those big-time songwriters, they all ended up being movie stars, icons, being around for 40 years and they never went away. And I think that's because songwriting lets your personality bleed through in your music.

Today, if you get past me, Shania and Alan [Jackson], it's more of, "Get a pretty face, give it a pretty song and let's go see if we can sell some records."

You can end up with some pretty disposable music that way. You do, and I think that's what our music takes the biggest hit on—that they don't nourish and bring along and develop songwriters more than just trying to find an ace and feed him with songs.

So if I do get in the label business, I will definitely be gungho in moving in that direction on a lot of my projects.

Do you get along with folks in Nashville pretty well? Yeah. As long as they get along with me. I've got friends, real good friends of mine in this business that are real loyal to me, and they'll tell me about little incidents where people will say stuff [about me behind my back]. What's funny, it's usually somebody you know would never have the backbone to say it to my face. It makes me hard to deal with next time that person wants to come around.
Thanks Toby,

For our *houses*,

Our *cars*,

And *shoes* on our feet,

Also for the *food* on our tables,

And the caps on our *teeth*.

We’re all *smiles* for you Toby!

—T.K. Kimbrell & the staff at TKO Artist Management
The Toby Nobody Knows

By Phyllis Stark

Manager T.K. Kimbrell tells a story he says illustrates the character of his longtime client, Toby Keith.

During a recent dinner at a Nashville restaurant, the valet, a wannabe songwriter, handed Keith his demo tape. Such things usually make artists cringe.

Keith not only took the tape, but when he realized the valet had not included his phone number on it, Keith asked Kimbrell to drive back to the restaurant, where he told the valet he wanted to be able to contact him if he liked what he heard.

That's a practice that just might stand Keith in good stead if he goes forward with his announced plans to start his own label once he deals with DreamWorks Records ends this year.

The move would be yet another milestone in the career of a man who since 1993 has emerged as one of the most successful and uncompromising artists in country music.

The May 17 release of Keith's latest DreamWorks album, "Honkytonk University," and his summer Big Throttle II tour continue a hot run that began when Keith's first single, "Should've Been a Cowboy," debuted on the Billboard Hot Country Songs chart in 1993. In the years since, he has achieved multiplatinum retail status and surefire sellouts on the road.

Yet Kimbrell, and others who know Keith well, say he is misunderstood and underappreciated by the Nashville music industry—although certainly not by his fans.

"He comes across as a little bit shy or hard to know at first," Kimbrell says. "But once you talk to him for a few minutes you see he's a genuine guy who's considerate of others' feelings."

Could he be talking about Toby Keith? The brash, brazen bully the artist portrays in his songs and in his videos?

By all accounts, the real Keith is none of those things.

Asked for five words to describe his client, Kimbrell chooses "considerate, determined,Okie, songwriter and singer."

James Stroud has his own five words: "Funny, caring, loyal, smart and patriot." Stroud is Keith's longtime producer and co-chairman of his parent record label, Universal Music Group Nashville.

Kimbrell adds that Keith is uncompromising when it comes to his music, although flexible in most other areas. He also thinks Keith has "that John Wayne presence...He has everybody calling him for advice."

While Keith sometimes clashes with the Nashville establishment, Kimbrell says that is a direct result of him being "a tell-it-like-it-is guy in a glad-hand community."

"He's not going to sugarcoat," Kimbrell says. "But at the same time, he's not going to be the guy who shakes your hand one minute and stabs you in the back the next."

Asked what Keith is like to work with from a label-head perspective, Stroud says, "He's one of those artists that understands every aspect of the business. You can talk to him about marketing, promotion, A&R. He's very well-informed about the music business."

On the road, Keith has an open-door policy when it comes to his band and crew, according to Kimbrell. And they all know his No. 1 rule, which is to treat the opening acts with respect—a courtesy Keith wasn't always afforded early in his own career.

As a result, Kimbrell says, Keith missed out on the momentum and continuity he needed to score new-artist prizes at the country awards shows.

"This is such a ‘you scratch my back, I'll scratch your back’ kind of town, and it's so vital to have a presence on the awards shows," Kimbrell says.

To date, Keith's major awards include just one Country Music Assn. Award (2001's male vocalist of the year), three Academy of Country Music Awards (2000's album and top male vocalist prizes and 2002's entertainer of the year), 15 BMI Awards and zero Grammy Awards—a surprising total for an artist who has sold nearly 20 million albums in the United States.

While his career took off during his time at DreamWorks, Keith tells Billboard he was keeping that label afloat with his success. Surprisingly, Stroud agrees. "It was a touch-and-go time for both of us," he says. "I needed Toby as much as Toby needed me."

When Keith came to DreamWorks, Stroud says, "Toby was at a place in his life where he needed a hit. His career was going OK, but it was starting to look like it was going to be a struggle. DreamWorks had some success at first, and then we got cold. We were both in a situation that we had to trust each other. Toby had offers to go to other labels, but he trusted me."

After Keith hit big at DreamWorks, Stroud admits, "He was our big star. We [needed] him, and he helped the label out. Of course it didn't hurt him any [having] double- or quadruple-platinum [CDs] every time."

After a few years of success and four albums at DreamWorks, that label was unexpectedly sold to Universal Music Group last year, putting Keith back under the umbrella of the label group where he started, and from which he acrimoniously parted in 1999.

Toby the Mogul

With just one album left on his DreamWorks contract after "Honkytonk University," Keith has been publicly talking since early March about moving on to start his own label.

While a renegotiation with Universal remains on the table, Kimbrell says Keith is "very serious continued on >>p54"
Toby Keith
An American Original

MONTEREY PENINSULA ARTISTS
PARADIGM
TOBY (cont.)

from >>p52

about exploring all options. We've now officially met with every major label head in town and have had talks and discussions even with their bosses about all kinds of possibilities... Anything could happen.”

Asked how he feels about Keith's public declarations about leaving DreamWorks and Universal, Stroud says, “He has every right to do it. "Our producer-artist relationship will be here as long as it's working," Stroud says. "And when it's all said and done, we'll still be friends."

So, what kind of label executive would Keith make if he struck out on his own?

Kimbrell says, "Toby feels like artists in Nashville aren't given the freedom musically and career-wise that they need. I don't think any artist would ever have to fight with Toby for artistic freedom. He'd be like, 'You go for it.'"

TOBY THE MISUNDERSTOOD

While Keith has a tough reputation, once famously feuding with a former head of promotion at his label, Kimbrell insists, "He's not difficult. Toby does about 95% of everything the promotion department staff asks for and everything the marketing department staff asks for. At the same time, Kimbrell says, boundaries must be respected. Keith "doesn't want that marketing person stepping on his toes as a songwriter."

Kimbrell insists, "Once you get beyond him fighting for his creative freedom and who he is, he's not difficult. And I don't blame him for being hard-ass on that. That's the most important thing in the business." Stroud agrees that Keith's personality is often misunderstood.

"A lot of people think he's this rowdy guy who doesn't give a damn, and he's not that at all," Stroud says. "He's a very deep, caring person. He's an amazing family man. He's one of the best businessmen I know."

Chuck Cannon, Keith's frequent songwriting collaborator for the last decade, says he is often asked how Keith has changed since becoming a superstar. Cannon's answer: not at all.

"He's the same guy that I knew way back when he was doing $1,000 dates," Cannon says. "He's as authentic as the day is long. There's no pretending. You see exactly what you get."

"He doesn't pull any punches with things he believes," Stroud says. "He's right about a lot of things, and he's not right about a lot of things." And while they may disagree sometimes about business, Stroud says, "The one thing we continually promise each other is that we never let it hurt the music. We just don't take it into the studio."

Keith is aware of how the industry sometimes perceives him.

Kimbrell says, "Toby would be the first one to tell you he brings a lot of that on himself."
You 25 million album selling, golf course owning, race horse raising, Oklahoma living, guitar playing, songwriting, loud singing, hat wearing, co-producing, joke telling, weight lifting, fight picking, no nonsensing, sooner loving, DoO rag wearing, Ford truck driving damn artist...

Now quit calling me!

I love you, you old bastard you.

James
TOBY (cont.)

from p54

just like Keith himself.

"We're not trying to put enough gloss on it
that it goes down smooth or it's watered down
for radio," Cannon says. "We like our whiskey
straight, and we like our songwriting straight.

"Toby is just totally fearless as a songwriter
and fearless as an artist," Cannon adds. "That's
why his stuff sounds so different... He knows
the language of his audience as well as any-
body ever did."

Stroud says Keith "lives life, and he wants
to write about it. When you hear a Toby Keith
song, you know who he is." He also calls Keith
"a poet who says what he means and means
what he says."

Even before he began working with Keith,
Stroud was a fan of his voice. Years later, he
is still "amazed" by Keith's vocals, noting, "His
voice will not give out. It just goes and goes."

The same could be said of Keith. "He has
more stamina than anyone I've ever seen," Kimbrell says. "He'll play basketball all [morn-
ing], golf in the afternoon, then do a meet-and-
greet and a show, then stay up on his bus until
5 a.m. writing a song. He wants to outwork
the people that work for him."

TOBY THE VIDEO STAR

One area where Keith continues to work hard
is on his relationship with country radio. Pro-
grammers often complain that while artists
are friendly and accessible on their way up the
ladder, they forget about radio once they achieve
a certain level of stardom.

Not so for Keith, who has maintained those
close ties. Last fall, he paid to fly more than
100 programmers to his home in Oklahoma
for a golf tournament merely as a show of ap-
preciation for their support.

"He's a good guy to radio," WAMZ's Cal-
houn says. "He does more for radio now that
he is a superstar than he did when he was work-
ing his way up. He gets it and he realizes how
important radio has been: We played every-
things he ever made."

"Even though he was shuffled around [among]
lables, he always felt like radio was kind of his
rock, his ally, and they were there for him," Kim-
rell explains. "He has had No. 1 after No. 1 [at]
radio], and he has never forgotten that."

In return, Calhoun says, Keith has brought
"a lot of great attitude to the format and a lot
of great tongue-in-cheek qualities... lyrically,

He has made some really great, fun music that
a lot of people can relate to. He's making music
for guys."

TOBY THE VIDEO STAR

Keith has also boosted his career by success-
fully using videos to cement his image. He
achieved this through a strong partnership
with director Michael Salomon, who has done
some 35 projects with Keith, including the
artist's commercials for Ford trucks and for
telephone service 10-10-200.

Kimbrell says Salomon "brings out
[Keith's] funny side, as evidenced in such
clips as "I Wanna Talk About Me" and "Who's
Your Daddy?"

Chris Parr, VP of music programming and
talent relations at CMT, calls Keith "a very pro-
lific video artist. He has found some creative
partnerships that really work well for him.

Parr also praises the diversity of Keith’s
videos and their 'great storytelling. Some peices
are very dramatic and poignant, then he'll turn
around and do something with a wink and a
smile like 'Stayin' in Mexico.'"

According to Parr, Keith and his team have
also been savvy about taking advantage of op-
portunities for marketing partnerships with
CMT, setting up new videos and album releases
in creative ways that maximize his exposure.

"We get a huge [audience] response to Toby
Keith, and we feel like we've had a really great
partnership [with him] over the last three or
four years," Parr says. "We've created a lot of
great content together beyond the videos."

TOBY THE ENDORSER

Beyond his music, Keith is a successful breeder
of champion race horses who enjoys re-
searching and combining successful equine
blood lines.

He is also a partner in a new chain of night-
clubs, Toby Keith's I Love This Bar and Grill,
named for one of his hits. The first club is
scheduled to open at Harrah's in Las Vegas
this summer, followed shortly by one in Ok-
lahoma City and another in Kansas City, Mo.,
scheduled to open in the fall.

For the last three years he has been a
spokesman for Ford trucks, appearing in and
performing the music for the automaker's com-
ercials. Ford is also his tour sponsor, and
Kimbrell says their partnership was recently
extended for a term that "could go potentially
three more years."

"Ford trucks are something he has believed
in all his life, so it's a real natural partnership
for him," Kimbrell says, noting that Keith has
turned down plenty of endorsement opportu-
nities. "If he doesn't use it and believe in it, he
won't do it."

Keith recently signed his first apparel en-
dorsement, with hatmaker Dorfman Pacific
(Billboard, June 4), also a three-year deal.

With a new publishing company and a po-
tential label startup in his future, Keith isn't
slowing down anytime soon.

Asked what's next for Keith, who seems to
have conquered everything he has ever tried,
Kimbrell says, "I'd like to see Toby go for all
the gusto [with] whatever he feels like he can
do and have fun with."

Stroud agrees. "He's one of those guys who
is just getting started. He's just starting to
spread his wings."
Congratulations on an amazing career,
looking forward to spending summer school at Honkytonk U.

Congratulations to

TOBY KEITH

on the success of his new album, *Honkytonk University*,
and thanks for allowing us to provide legal services to him.

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---

RED WHITE & TRUE BLUE
BY RAY WADDELL

The song that propelled Toby Keith into the spotlight of the mainstream media is “Courtesy of the Red, White and Blue (The Angry American),” which was released to radio in the spring following the terrorist attacks of Sept. 11, 2001.

But Keith says the song was never intended as a single.

“I wrote it as my gift to build morale for the U.S. soldiers that were gonna have to fight in Afghanistan,” he recalls.

“Now I know I get painted with a real broad brush as this Captain America, right-wing lunatic. But the truth is, I knew there were a bunch of poor bastards that were gonna have to go into Afghanistan and give their all up for some people who killed 3,000 Americans on 9-11,” he says.

“My dad being a soldier and me being real close to him and losing him, a true veteran, six months before 9-11, it just hit so close to home to me. I thought, ‘What would the old angry American himself, the old one-eyed veteran, think about how soft our country got, to allow somebody to attack us on our own soil and kill this many innocent Americans?”

He wrote the song only to play in front of troops, says Keith, who has regularly toured for the USO.

“I figured I could break this song out and play it for them and give them some gung-ho,” he says. “When I played it at the Pentagon for a bunch of Marines getting ready to ship off to Afghanistan, Gen. [James] Jones, commandant of the Marine Corps, a four-star general, he walked up after my performance, and we exchanged gifts onstage. I gave him a guitar, and he gave me an engraved silver chalice, as thanks from him and the Marine Corps.”

Keith recalls that Jones told him, “You would do your country and your countrymen a great service to put that song out while we’re going into war.”

“I went home and prayed about it, talked to my family about it. I knew it would come with a lot of baggage, but his words kept ringing through my head.”

Although his first album, “Unleashed,” was already completed, Keith says he called producer James Stroud to go back in the studio and add “Courtesy.”

“James got a great cut on it,” he recalls. “We flipped it to radio, they jumped all over it and we put it out in May [2002], and it was No. 1 by July 4. It ended up being one of the most-played songs of the year.”

The controversy surrounding the song increased as it became associated with the war in Iraq. Dixie Chicks singer Natalie Maines famously called the song “ignorant.”

“Now I get accused of being whatever, and I’m fine with that,” Keith says. “But you don’t have to listen but once to the words to understand that the song was strictly for Afghanistan. No. I have no stance on the Iraq war,” he continues, “but the second [that I say], ‘I have no stance there, I’m not smart enough to tell whether we should be in there or not.’ It becomes, ‘Oh, he’s trying to save his career now.’

“You can’t win for losing. If you fight it, you’ll be chastised, and if you don’t tell your side, you’ll be chastised.”

And despite the political division in America these days, Keith says, “We’re all after the same thing—we’re all after peace. And when I go vote, if there’s a box where you could just check ‘peace,’ everybody would check that box.”

As outspoken as he is, Keith questions why his views should carry much weight.

“All I can tell everybody is, ‘Don’t listen to me. Don’t listen to celebrities,’ ” he says. “Go ask a soldier. Go ask a politician. Get the knowledge you need to vote for yourself. Be careful where you get your news, and make your own decision. That’s what this country’s about.”

---

“I WROTE IT AS MY GIFT TO BUILD MORALE.”
Congratulations Toby!

On Honky Tonk U
& 13 albums in 12 years!

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Congratulations, Toby
on the many milestones and benchmarks in your career.
We wish you many more. Best of luck with your new label!

Thanks from all of us at
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TOBY KEITH'S
CHART
ACTION
BY WADE
JESSEN

When Toby Keith debuted on the Billboard chart in spring 1993, the competitive landscape of Nashville and the country radio industry was dramatically different from the scene today. The artists in the storied "Class of '89" had invaded the format four years earlier, touching off a creative and commercial firestorm the likes of which Nashville's music industry had never experienced.

Keith would ultimately get caught up in the rapid proliferation of Nashville record labels, from fewer than 10 to almost 30 by the end of the decade. And his impact as a creative force and commercial phenomenon would bloom prodigiously by the end of 2000.

On Hot Country Songs, Keith has amassed 38 charted titles, which together have accumulated more than 780 chart weeks. Twenty-eight of those titles have reached the top 10, and half of those went to No. 1.

His story on Top Country Albums is equally as impressive, with 11 charted titles. Among those titles, five are multiplatinum, three are platinum and three are gold.

On The Billboard 200, Keith's titles have racked up more than 500 chart weeks, with two No. 1 debuts and four top 10 titles.

Top Country Albums

<table>
<thead>
<tr>
<th>Rank</th>
<th>Title</th>
<th>Peak Position</th>
<th>Debut Date</th>
<th>Label</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&quot;Shock'n Y'all&quot;</td>
<td>1</td>
<td>Nov. 22, 2003</td>
<td>DreamWorks</td>
</tr>
<tr>
<td>2</td>
<td>&quot;Unleashed&quot;</td>
<td>1</td>
<td>Aug. 10, 2002</td>
<td>DreamWorks/interscope</td>
</tr>
<tr>
<td>3</td>
<td>&quot;Pull My Chain&quot;</td>
<td>1</td>
<td>Sept. 15, 2001</td>
<td>DreamWorks/interscope</td>
</tr>
<tr>
<td>4</td>
<td>&quot;Greatest Hits 2&quot;</td>
<td>2</td>
<td>Nov. 27, 2004</td>
<td>DreamWorks</td>
</tr>
<tr>
<td>5</td>
<td>&quot;The Best of Toby Keith: 20th Century Masters The Millennium Collection&quot;</td>
<td>5</td>
<td>May 3, 2003</td>
<td>Mercury/Chronicles/UME</td>
</tr>
<tr>
<td>6</td>
<td>&quot;Greatest Hits Volume One&quot;</td>
<td>5</td>
<td>Nov. 7, 1998</td>
<td>Mercury</td>
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<tr>
<td>7</td>
<td>&quot;Blue Moon&quot;</td>
<td>6</td>
<td>May 4, 1996</td>
<td>Mercury</td>
</tr>
<tr>
<td>8</td>
<td>&quot;Dream Walkin' &quot;</td>
<td>8</td>
<td>July 12, 1997</td>
<td>Mercury</td>
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<tr>
<td>9</td>
<td>&quot;Boomtown&quot;</td>
<td>8</td>
<td>Oct. 15, 1994</td>
<td>A&amp;M Nashville</td>
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<tr>
<td>10</td>
<td>&quot;How Do You Like Me Now?!&quot;</td>
<td>9</td>
<td>Nov. 20, 1999</td>
<td>DreamWorks/interscope</td>
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Hot Country Songs

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<tr>
<th>Rank</th>
<th>Title</th>
<th>Peak Position</th>
<th>Debut Date</th>
<th>Label</th>
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<tr>
<td>1</td>
<td>&quot;Beer for My Horses&quot; (with Willie Nelson)</td>
<td>1</td>
<td>Aug. 3, 2002</td>
<td>DreamWorks</td>
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<tr>
<td>2</td>
<td>&quot;How Do You Like Me Now?!&quot;</td>
<td>1</td>
<td>Nov. 22, 1999</td>
<td>DreamWorks</td>
</tr>
<tr>
<td>3</td>
<td>&quot;My List&quot;</td>
<td>1</td>
<td>Dec. 22, 2001</td>
<td>DreamWorks</td>
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<tr>
<td>4</td>
<td>&quot;I Wanna Talk About Me&quot;</td>
<td>1</td>
<td>Aug. 25, 2001</td>
<td>DreamWorks</td>
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<tr>
<td>5</td>
<td>&quot;I Love This Bar&quot;</td>
<td>1</td>
<td>Aug. 30, 2003</td>
<td>DreamWorks</td>
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<td>6</td>
<td>&quot;American Soldier&quot;</td>
<td>1</td>
<td>Nov. 22, 2003</td>
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<td>7</td>
<td>&quot;You Wouldn't Kiss Me Like This&quot;</td>
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<td>Nov. 4, 2000</td>
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<td>8</td>
<td>&quot;Should've Been a Cowboy&quot;</td>
<td>1</td>
<td>Mar. 6, 1993</td>
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<tr>
<td>9</td>
<td>&quot;Who's Your Daddy?&quot;</td>
<td>1</td>
<td>Aug. 17, 2002</td>
<td>DreamWorks</td>
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<td>10</td>
<td>&quot;I'm Just Talkin' About Tonight&quot;</td>
<td>1</td>
<td>May 26, 2001</td>
<td>DreamWorks</td>
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<tr>
<td>11</td>
<td>&quot;Whiskey Girl&quot;</td>
<td>1</td>
<td>Mar. 20, 2004</td>
<td>DreamWorks</td>
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<tr>
<td>12</td>
<td>&quot;Courtesy of the Red, White and Blue (The Angry American)&quot;</td>
<td>1</td>
<td>May 25, 2002</td>
<td>DreamWorks</td>
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<tr>
<td>13</td>
<td>&quot;Who's That Man&quot;</td>
<td>1</td>
<td>July 30, 1994</td>
<td>Mercury</td>
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<tr>
<td>14</td>
<td>&quot;Me Too&quot;</td>
<td>1</td>
<td>Nov. 23, 1996</td>
<td>Mercury</td>
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<tr>
<td>15</td>
<td>&quot;Does That Blue Moon Ever Shine on You?&quot;</td>
<td>2</td>
<td>Mar. 9, 1996</td>
<td>Mercury</td>
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<tr>
<td>16</td>
<td>&quot;We Were in Love&quot;</td>
<td>2</td>
<td>June 14, 1997</td>
<td>Mercury</td>
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<td>17</td>
<td>&quot;I'm So Happy I Can't Stop Crying&quot; (with Sting)</td>
<td>2</td>
<td>Oct. 11, 1997</td>
<td>Mercury</td>
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<td>18</td>
<td>&quot;You Ain't Much Fun&quot;</td>
<td>2</td>
<td>Mar. 25, 1995</td>
<td>Mercury</td>
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<td>2</td>
<td>Mar. 19, 1994</td>
<td>Mercury</td>
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<tr>
<td>20</td>
<td>&quot;A Little Less Talk and a Lot More Action&quot;</td>
<td>2</td>
<td>Nov. 13, 1993</td>
<td>Mercury</td>
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</tbody>
</table>

Titles on these charts are ordered by peak position on Top Country Albums and Hot Country Songs, respectively. If more than one title peaked at the same position, they were broken by the number of weeks on the chart and then in the top 10, and then the top 25, depending on where the title peaked.

DormanPacific is pleased to tip our hat to Toby on his many successes. We are proud to be partners with a true American.
WE WISH TO CONGRATULATE
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TOBY KEITH

ON THE RELEASE OF HIS
NEW ALBUM

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GOLDRING, HERTZ & LICHTENSTEIN, L.L.P.
JOHN MASON, OF COUNSEL

Toby,
So many great songs.
All those incredible shows.

Thanks for taking us along.

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Guitars
### 500,000 SPINS

- **Drift Away**/ Uncle Kracker /LAVA
- **Hey Ya**/ OutKast /LAFACE/ZOMBA

### 400,000 SPINS

- **Let Me Love You**/ Mario /J
- **She Will Be Loved**/ Maroon 5 /OCTONE/J
- **Boulevard Of Broken Dreams**/ Green Day /REPRISE
- **The First Cut Is The Deepest**/ Sheryl Crow /A&M

### 300,000 SPINS

- **Over And Over**/ Nelly Feat. Tim McGraw /DERRTY/FO REAL/CURB /
- **My Next Thirty Years**/ Tim McGraw /CURB

### 200,000 SPINS

- **Candy Shop**/ 50 Cent /SHADY/AFTERMATH
- **Caught Up**/ Usher /LAFACE/ZOMBA
- **When The Sun Goes Down**/ Kenny Chesney & Uncle Kracker /BMA
- **Obsession**/ Frankie J /COLUMBIA
- **Fall Into Me**/ Emerson Drive /DREAMWORKS
- **Daughters**/ John Mayer /COLUMBIA
- **Real Good Man**/ Tim McGraw /CURB
- **Angel**/ Amanda Perez /VIRGIN/POWERHOUSE

### 100,000 SPINS

- **Lonely No More**/ Rob Thomas /MELISMA/ATLANTIC
- **Hate It Or Love It**/ The Game Feat. 50 Cent /INTERSCOPE
- **Collide**/ Usher /LAFACE/ZOMBA
- **Scars**/ Papa Roach /GEFFEN
- **That’s What I Love About Sunday**/ Craig Morgan /BROKEN BOW
- **Oh**/ Ciara Feat. Ludacris /LAFACE/ZOMBA
- **Sugar**/ (Gimme Some) /Trick Daddy Feat. Lil Kim & Ludacris /SLIP N SLIDE/ATLANTIC
- **Truth Is**/ Fantasia /J
- **Lonely**/ Akon /SRC
- **O**/ Omarion /TUG/SONY URBAN/EPIC
- **We Belong Together**/ Mariah Carey /ISLAND/IDJMG
- **It’s Like That**/ Mariah Carey /ISLAND/IDJMG
- **It’s Getting Better All The Time**/ Brooks & Dunn /ARISTA
- **Slow Down**/ Bobby Valentino /DTP/DEF JAM/IDJMG
- **Okay**/ Nivea /JIVE/ZOMBA
- **Ain’t No Mountain High Enough**/ Michael McDonald /MOTOWN
- **Holaback Girl**/ Gwen Stefani /INTERSCOPE
- **Go D**/ Lil Wayne /UNIVERSAL
- **Gone**/ Montgomery Gentry /COLUMBIA
- **Welcome To My Life**/ Simple Plan /LAVA
- **Serenity**/ Godsmack /REPUBLIC/UNIVERSAL
- **In My Place**/ Coldplay /CAPITOL
- **You Raise Me Up**/ Josh Groban /REPRISE

### 50,000 SPINS

- **Holiday**/ Green Day /REPRISE
- **Just A Lil Bit**/ 50 Cent /SHADY/AFTERMATH/INTERSCOPE
- **Homewrecker**/ Gretchen Wilson /EPIC
- **Switch**/ Will Smith /INTERSCOPE
- **Lot Of Leavin’ Left To Do**/ Dierks Bentley /CAPITOL
- **Be Yourself**/ Audioslave /INTERSCOPE/EPIC
- **Girl’s Destiny’s Child**/ MUSIC WORLD/SONY URBAN/COLUMBIA
- **You And Me**/ Lifehouse /GEFFEN
- **How Could You**/ Mario /J
- **The Clincher**/ Chevelle /EPIC
- **Almost Bowling For Soup** /JIVE/ZOMBA
- **Sometimes You Can’t Make It On Your Own**/ U2 /INTERSCOPE
- **Grind With Me**/ Pretty Ricky /ATLANTIC
- **God’s Will**/ Martina McBride /RCA
- **The Hand That Feeds**/ Nine Inch Nails /INTERSCOPE
- **Drugs Or Jesus**/ Tim McGraw /CURB
- **U Already Know**/ 112 Feat. Foxy Brown /DEF JAM
- **Breathe** (2 Am)/ Anna Nalick /COLUMBIA
- **Rossas**/ La Oreja De Van Gogh /SONY DISCOS
- **Knuck If You Buck**/ Crime Mob /WARNER MUSIC
- **Back In His Arms Again**/ Mark Schultz /WORD/CURB
- **So Far Away**/ Crossing /COLUMBIA
- **Pieces**/ Sum 41 /ISLAND
- **Ch-Check It Out**/ Beastie Boys /CAPITOL
- **Take Me Away**/ FeFe Dobson /ISLAND/IDJMG
- **I Still Believe**/ Jeremy Camp /BEC
- **Stupid**/ Sarah McLachlan /ARISTA/RMG
MAJOR-LABEL TRANSPLANTS

To Transplants lead signer Rob Aston, hearing the trio’s new songs on the radio is vindication.

Aston says more than half the songs on the punk act’s genre-hopping second album, “Haunted Cities,” were intended for another project—his solo album. But his deal with Warner Bros. Records was not meant to be, he says, and the tunes were given to Transplants instead.

It wasn’t much of a stretch, since Aston’s partners in Transplants—Rancid’s Tim Armstrong and Blink-182’s Travis Barker—contributed to Aston’s solo effort.

“I got dropped,” Aston says. “It was cool when I first signed [to Warner Bros.]—they were all happy. But they ended up not ‘getting’ it. I was bummed when it happened, but I wouldn’t want to be on a label that didn’t understand me.” Warner Bros. declined to comment.

“Haunted Cities,” due June 21, is Transplants’ major-label debut and the first product of a long-term pact with Barker’s La Salle Records and Atlantic Records. The first two singles, the drum’n’bass-driven “Gangsters & Thugs” and the R&B-slanted “What I Can’t Describe,” have already earned airplay, mainly on the West Coast.

Aston is quick to point out that “What I Can’t Describe” first appeared on his ill-fated solo effort. He is enjoying the irony of having a song rejected by Warner Bros. Records become a single for another label in the Warner Music Group umbrella.

If Aston’s solo name didn’t carry much weight, the Transplants designation is a different matter. The group’s self-titled effort on Helicat/Epitaph has been

JUNE 18, 2005 | www.billboard.biz | 63
Singer/Songwriter Eleni Mandell's Cover Of Cole Porter's 'I Love Paris' Attracts Attention

Paris Hilton isn't the only one getting attention for her controversial Carl's Jr. ad. Although some viewers may not have noticed anything other than the barely clad Hilton (and, perhaps, the hamburger), the commercial features a raw, sultry cover of Cole Porter's 'I Love Paris,' performed by indie Los Angeles singer/songwriter Eleni Mandell.

A full-length version of the song hit iTunes June 8 via Hum Recordings, a division of Hum Music, the house that produced the song for the commercial.

But there is much more coming. Independent promoters are working the single to rock radio after Carl's Jr. advertised a number of times on stations for a longer version.

Mandell finds it amusing that after five self-released albums, she could owe her commercial breakthrough to Paris—the city and the woman—and to beef. "Well, I've been wondering for a long time when the hell it would happen and how," she says. "I certainly wouldn't have guessed that it'd be a rock version of a jazz song sung for a hamburger. It's somehow both a pro and ironic. Maybe even both at once, if that's possible." Additionally, Hum Recordings is planning a CD with several remixes of the song. "We're trying to get Paris involved in one of the remixes," Hum Music president Jeff Koz says.

Humi is also talking to Mandell about including some of her past material on the disc. Koz hopes to have the project out by summer's end.

Because Hum itself had licensed the song and created Mandell's track, it did not have to wait for approval from Carl's Jr. or the fast-food chain's ad agency.

"Not surprisingly, given Hilton's inexplicable international celebrity, the controversy over the commercial has made global news leading to inquiries from as far away as France and Japan about Mandell and the song. 'So we're talking to iTunes international division,' Koz says. 'We just have to see how this goes. We want to show [the song] can stand on its own.'

As for Mandell, who is working on a sixth album, only good can come of the attention. "If this introduces me or my music to a new audience, I would be thrilled," she says. "Nothing wrong with that."

KNOCK THREE TIMES: Tony Orlando & Dawn are recording together for the first time in 28 years. Orlando, Telma Hopkins and Joyce Vincent have reunited to make a Christmas album with producer Michael Omartian. "Tony Orlando & Dawn—A Christmas Reunion" comes out Oct. 11 via R2 Entertainment.

The new project will be preceded by R2's Sept. 13 release of a three-disc DVD set featuring highlights from the group's variety show, which ran on CBS from 1974 to 1977, and the trio's musical catalog available for the first time on CD.

AT THE ACADEMY: The Recording Academy has named Steph Jorg! the new executive of its Producers & Engineers Wing. The wing addresses the concerns of the academy's 6,000 members involved in the producing, engineering, remixing and manufacturing fields.

Prior to assuming her new post, Jorg worked as a pro-audio journalist.

In other academy news, national officers elected during May's board of trustees meeting are "Austin City Limits" producer Terry Lickona, the group's board president; producer Jimmy Jam, vice chairman; and music publisher Richard Perri, secretary/treasurer.

QUICK HITS: Maverick Records is sticking to its original August release date for the new album from Jack's Mannequin following the news that lead singer Andrew McMahon is being treated for acute lymphatic leukemia. McMahon, who is expected to make a full recovery, is better known as the frontman of Something Corporate...

Label executive/producers Lenny Waronker and his producer/drummer son Joey (Elliot Smith, Beck, R.E.M.) worked together as a production team for the first time on "Subjects," the RCA Victor debut of brother/sister team Judd & Maggie. Joey is producer, Lenny the executive producer of the August release.

from p63

HUM RECORDINGS

ELENI MANDELL'S song provides the music for a Carl's Jr.'s TV ad that features Paris Hilton.

TRANSPANTS (cont.)

Retailers say the Warped slot will be key to the success of this album. "So far, we've only had a few people ask about it," says Colleen Voeks, owner of indie/punk-minded store Need More Discs in Shawnee, Kan. "But once the Warped tour comes through, we usually sell a ton of all those bands."

Atlantic senior VP of marketing and artist development Livia Tortella says the album will be promoted heavily on MTV and VH1 in hopes of catching on in Barker's MTV reality series, "Meet the Barkers."

"We're doing the obvious stuff, like featuring Transplants music in the credits," she says. "We're going to run plenty of advertising on MTV to connect the dots."

A track from the first album, "Diamonds & Guns," has been a staple in advertisements for Garnier Fructis shampoo and conditioner, and Tortella aims to place the new songs in commercials as well. For now, they are being streamed on such sites as purevolume.com and punknews.org.

Tortella says Atlantic is finalizing programs with retailers ranging from Best Buy and Hot Topic to indie punk and urban accounts. She confirms that Atlantic is putting together a sampler of acts on the La Salle roster that will be given away at select retailers. Additionally, an exclusive 7-inch will be serviced to indie accounts.

Atlantic hopes to introduce Transplants to rap fans as well, Tortella adds. Southern hip-hop producer Paul Wall recently completed an alternate version of the album, and Tortella sees the remixed songs as ripe for placement on mix tapes and give-aways with urban accounts.

"This record is kind of a mutt," she says. "It's got origins in punk rock and hip-hop, and we're servicing a 12-inch to hip-hop clubs and DJs who spin hip-hop."

Barker is pleased the album will be worked outside the punk world. "That's rad, especially coming from three white kids who live in Los Angeles," he says. "It's 2005, and people don't care about what color anybody is or what genre of music you come from."
Nazario Imbues Music With ‘Apasionada’

For the past two years, Ednita Nazario has sported a tattoo of a heart with an overlapping flame on her left shoulder.

Looking hip and trim in her Miami hotel room, she explains that it is her symbol, something that will be placed on everything she does from now on.

That heart and flame are emblazoned on the cover and promotional material of “Apasionada,” her June 21 release on Sony BMG.

Beyond the album’s “passionate” content, the symbol also underscores the renowned emotional quality of Nazario’s voice, which she applies to songs with unconventional lyrics. Like a torch singer in reverse, Nazario does not sing about unrequited love, but about women who have the upper hand.

“I like songs that tell stories, that go straight to the point,” says Nazario, who sees herself more as an interpreter than a composer (although she always pens at least one song per album) and who commissions her music from many writers. “I don’t like songs where the woman is a victim of circumstance. I like assertive points of view. I like the position of a woman in the 21st century, in control of her decisions, her circumstances and her emotions.”

Take the first single, “Venganza.” It is the tale of a man who returns to the woman he left, but she no longer wants him.

“It’s the sweet revenge of finding a new love,” Nazario says.

The song, penned by Claudia Brandt and Daniel Freiberg, is No. 20 on the Billboard Hot 100. Sony BMG Norte, the label and catalog number RIAA million and platinum seller certifications, and much more—for each title.

For the full story, call 800-827-9810 or 262-251-5408 or go to: www.recordresearch.com

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FACT FILE

Label: Sony BMG
Management and Booking: Angelo Medina Enterprises
Last album: “Por Ti” (2003), 68,300
Top-selling album: “Corazón” (1999), 100,000

Nazario

NAZARIO

to be current and up to date,” says Lorenzo Braun, VP of marketing for Sony BMG Norte. “She’s maintained her fan base, but her music has always evolved. That’s what allows us to seek out new markets and new audiences, especially here in the United States.”

With more than 20 studio albums under her belt, Nazario is one of the undisputed queens of Latin pop. For the past several years, she has teamed with Tommy Torres, a young Puerto Rican producer/songwriter/artist who has revamped her sound.

That pairing, compounded with a roster of newer songwriters featured on her album (including singer/writer Luis Fonsi, Noel Schajris of Sin Bandera and Spaniard Antonio Orozco), has kept her music current.

“I always look ahead, and I always start from scratch,” Nazario says, analyzing her long career.

As was the case with “Por Ti,” the release of “Apasionada” will be timed with a live TV special that will Initially air in Puerto Rico the week of release.

A strong performer who has also recorded two acoustic albums, Nazario will play at various in-stores planned in North America and the Caribbean, including at least five in Puerto Rico, according to Braun.

In July, Sony BMG plans to release “Apasionada” in Mexico, a market where Nazario once sold strongly, but which she has left largely untapped for the past several years.

Among other promotions, talks are under way for “Venganza” to be used for an upcoming soap opera.
Virgin Classics has witnessed some spectacular successes recently. Last month, the Paris-based label released a brilliantly sparkling world premiere recording of Vivaldi's opera Bajazet, featuring a high-octane cast of counterenharmonic Danieli; bass-baritone Ildo Brando; mezzo-soprano Marijan Mijanovic; mezzo-soprano Licanz; and mezzo-soprano Licanz. The studio with Ciofi, and rising stars, Lanceron says. “A label’s roster and catalog has to have a shape and a meaning.”

This fall’s release schedule offers a number of tantalizing treats. But the highlight of this season, according to Lanceron, is Marc Minkowski’s recording of Jacques Ofenbach’s La Grande-Duchesse de Gerolstein, starring English soprano Felicity Lott. This is Minkowski’s third Ofenbach opera; his previous efforts were Orpheus Aux Enfers and La Belle Helene. Virgin Classics is releasing a studio-recorded CD package of the complete opera, as well as a live DVD of the work as it was staged last fall at Paris’ Theatre du Chatelet with stage designer and longtime Minkowski colleague Laurent Pelly.

Lanceron feels very strongly that allowing artists a forum to do what they do best has been an enormous factor in his label’s success.

“One of course, we decide on repertoire together,” he says, “but my motto for many years has been that I’m not singing. I don’t conduct and I don’t play, so I should record under the name Lanceron’s.”

“In the end,” he adds, “they deliver what they have to deliver—they know what they want to express at any given time, and they know better than I do what they have to do to make that happen. And in most cases, they are right.”

ASCAP AWARDS: ASCAP held its sixth annual Classic Music Awards May 26 in New York. Among this year’s winners: composer George Perle, who celebrated his 90th birthday this year; composer/choreographer/performer Meredith Monk; David Gockley, former general director of the Houston Grand Opera, who is moving to the same position at the San Francisco Opera next year; California-based conductor Michael Morgan; and the Meet the Composer organization.

ASCAP also recognized this year’s crop of 28 Morton Gould Young Composer Award recipients. The list of winners is available at ascap.com.

Garth, Capitol Part Ways

Garth Brooks not only recently ended his long-time association with Capitol Records Nashville, he took his entire catalog with him.

EMI said in a June 3 statement that while terms of the split are confidential, “no compensation was requested by Mr. Brooks or paid by EMI for the license termination.”

In 1992 Brooks renegotiated his contract with Capitol. At the time, he hinted to Billboard that the pact was unconventional. “I’m not sure that this deal will ever be made again in this sort of fashion, because it’s not your typical deal,” he had said. “It’s a full-incentive contract where we start from scratch every time. If we sell any records, we don’t get a cent; and if we sell a lot of records, we get a lot of money—it’s black and white.”

Since renegotiating, Brooks’ albums, including his earlier works, are licensed to EMI under his Pearl Records imprint.

Now, Brooks is walking away with all 15 of the projects he released on Capitol, including a boxed set, a hits package, a double live album, three holiday CDs and one pop album he recorded under the name Chris Gaines. Brooks’ most successful album, 1990’s “No Fences,” is certified 16 times platinum.

Capitol has been Brooks’ only label home for more than a decade, beginning in 1998, and together the artist and label have sold more than 100 million albums, according to the Recording Industry Assn. of America. He remained with the label even after he announced his retirement from the music business in October 2000. His last album, “Scarlet,” was released in 2001.

“For nearly two decades, Capitol Nashville has had an extraordinary and fruitful relationship with Garth,” Capitol Nashville president/CEO Mike Dungan said in a statement. “We wish him all the best for the future.”

Meanwhile, Brooks is hinting at a new association with Walmart. When he performed at the company’s June 3 shareholders meeting in Arkansas, local paper the Benton County Daily Record reports that Brooks “alluded to a bigger relationship with Wal-Mart!” but “remained vague about it.”

Brooks’ manager, Bob Doyle, declined to comment.

ON THE ROW: Publishing veteran Lisa Ramsey joins Disney Music Publishing Nashville as VP/GM. She previously was VP/GM of Mosaic Music Publishing Nashville. Prior to that, she was VP of writer development at Hamstein Music Group, which Mosaic bought in 2002.

Ramsey reports to senior VP/GM Doug Howard, who recently opened the Nashville office of the Burbank, Calif-based publisher (Billboard, May 21).

ASAP CULTURE, SO TO SPEAK

Defining The Indefinable? It’s The Language

What exactly constitutes Latin culture in the United States? Is it the language? The food? Eduardo Caballero has been grappling with that question for the past several decades as an advertiser, as the owner of radio networks, and now, as the owner of a TV music network, MasMusica TeVe.

While Latin culture continues to be maddeningly diverse and impossible to pin down, the one unifying factor Caballero encounters is music, in virtually all its forms. MasMusica covers 24 hours of music programming, in all Latin genres, on 30 stations across the country.

MasMusica’s highest-profile addition to its September lineup will be “The Roof,” the English-fluent, but understand it, Caballero contends. As an example, he cites MásMusica’s request line, which receives between 15,000 to 20,000 calls per month.

“Our answering message was originally in Spanish only, and we found that many people would hang up,” he says. “We made it bilingual, and now, approximately 35% of our calls are in English.”

Responding to MásMusica’s healthy viewer response, another new show slated for fall is “El-E-Ma” (the name is Spanish for e-mail). Other new shows—there are eight in addition to MásMusica’s existing rundown—include “Ritmo Mexicano,” focusing on regional Mexican sounds, and “Fiesta Mexicana International,” highlighting music made in Mexico, from all genres.

BACK HOME . . . A window into the power of music as the great equalizer of Latin culture was witnessed up close at a May 29 Juan Luis Guerra concert at the Miami Arena. My date was my 9-year-old daughter, who had no inkling of who Guerra was, much less what his music sounded like.

To compound things, the ride to the venue was an exercise in a multilingual family’s complications: I was speaking in Spanish; she was answering in English, despite my admonishments to hablar español.

But once Guerra started to play to a sold-out crowd of 12,000, she experienced a total conversion. She danced, for two hours straight, peppered me with questions—mostly in Spanish: Why does he wear a hat? Is he shy? (He looks shy, she thinks.) How come this rhythm (bache) can’t be danced like this other one (salsa)?

Finally, the payoff: “Do you have his CDs?”

I do.

“Good,” she said. “I want to listen to them.”

Obviously, one example is not a scientific survey, but music operates in the world of emotion, and cultural ties no matter how tenuous, bind us for me, caballo Es for me, caballo Fu for me, caballo But I still believe language is culture, and Latin culture is tied to the Spanish language.
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Leela, At Long Last

Tina Turner meets James Brown.
That's the indelible image one gets after watching Leela James perform. Belying her petite frame—topped by a mountain of hair—and a high-pitched speaking voice hovering somewhere between cartoon icon Betty Boop and singer Michel'le, James morphs into a soulful dynamo onstage.

"It's terrible ... people tell me all the time that I sound like a big, fat woman," James says with a laugh. "However, it's about the music. When I perform, I zone out. It's energy-driven, emotional, a spiritual ride. Sincere, not fake. I'm not trying to sit behind a piano and look overly dope like I'm Beethoven or something."

James' colorful demeanor is the driving force behind her long-awaited Warner Bros. debut, "A Change Is Gonna Come" (June 21). A line from the title track (the 1965 Sam Cooke classic)—"It's been a long time coming"—fittingly describes her trek from new peninsula to launching her first studio album. Signed four years ago to RuffNation/Warner Bros., James initially wowed industry tastemakers during a series of critically acclaimed showcases on both coasts. Then RuffNation was dismantled.

Transferred to Warner Bros. directly, James encountered more setbacks in the wake of staff downsizing, the merger of sister label Elektra with Atlantic, and a new executive regime. Despite the setbacks, she continued to work. Her credits include opening shows for the Black Eyed Peas, Keri and John Legend.

The title also reflects James' challenge to what is defined now as "popular R&B. She calls her gritty and passionate approach "back-porch soul."

As James explains, "There's room for change, and there should be a balance anyway. This is homegrown music with raw singing that's true, not contrived. You have fried chicken and baked chicken. This is fried chicken."

Those seeds of change are sown on lead single "Music," which asks, "Where did the soul go?" as it salutes such influences as Aretha Franklin, Chaka Khan and Gladys Knight. James' gospel, blues and funk-laced style shifts from defiant to gutty to inspirational on such tracks as "Rain," "My Joy" and " Didn't I."

Among those who worked with James, who also doubled as co-writer, was Kanye West, Raphael Saadiq, Wyclef Jean, Chucky Thompson and executive producer Commissioner Gordon.

Following a live performance on "Soul Train" on May 28, James launched a promotional tour June 7 that includes stops in Chicago, San Francisco, Los Angeles, New York, Atlanta and Washington, D.C.

Funkly album track "Soul Food" is featured in a national Sprint commercial that began airing April 25.

Whether James' grit-and-all R&B will register with radio and retail remains to be seen. However, Dedry Jones of Chicago retailer Music Experience is an enthusiastic fan. "She sounds like a real singer," he says. "And there aren't many of those anymore."

For her part, James concedes she is just ready for the album to drop. "I feel like I've been pregnant for four years and now I'm finally delivering. I just hope people understand it came from my heart and soul. It's real."

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Rhythm & Blues

GAIL MITCHELL gmitchell@billboard.com

BET Sets Awards Lineup

The countdown to the 2005 BET Awards is under way. The network, which turns 25 this year, has locked down performances by Stevie Wonder, T.I., Ciara, Omarion, John Legend, Destiny's Child, Mariah Carey, Missy Elliott and the Game.

The fifth annual event will air live June 28 from the Kodak Theatre in Hollywood at 8 p.m. EDT. Newcomer Ciara leads the field with four nominations. Other multiple nominees include fellow newcomer Fantasia, Destiny's Child, Kanye West, Amerie and 50 Cent. Will Smith and Jada Pinkett Smith will host the show. Special honorees will be Gladys Knight (lifetime achievement) and Denzel and Pauletta Washington (humanitarian).

Meanwhile, the BET executive transition has begun. Deborah L. Lee is now president/CEO, succeeding founder Robert Johnson, who becomes chairman. Lee will assume that title as well when Johnson retires in 2006.

R&B SEARCH: Having relocated from New York to Philadelphia, the Rhythm & Blues Foundation has begun its search for a full-time executive director. Cecilia Carter was the last person to hold the post. For more information, visit rhythm-n-blues.org (no phone calls will be accepted).

FALL INTO THE GAP: In addition to promoting his live album "Charlie, Last Name Wil- son," due in August, "Uncle" Charlie Wilson will join brothers and bandmates Ronnie and Robert when BMI honors the Gap Band with its Icon Award. The presentation takes place Aug. 26 in Miami during the BMI Urban Awards at the Fontainebleau Hilton Resort's Club Tropicana. The annual event coincides with the MTV Video Awards on Aug. 28.

Vanessa Williams, Boyz II Men, Gerald Levert and BeBe Winans are among the performers slated for the Apollo Theater Foundation's inaugural fund-raising gala, "The Magic Lives On." The June 20 celebration encompasses a concert and awards ceremony as well as a free outdoor community event. Director Spike Lee and his author wife, Tonya Lewis Lee, will receive the foundation's new Ossie and Ruby Award, named after the late Ossie Davis (chairman emeritus of the Apollo Theater board) and wife Ruby Dee.

Speaking of the Apollo, former owner Inner City Theater Group is selling its broadcast TV archive, which contains episodes of "It's Showtime at the Apollo," "Apollo Comedy Hour" and "Showtime in Harlem," plus 30 hours of footage from the Apollo's famed Amateur Night.

The material includes early performances by LL Cool J, Snoop Dogg, Destiny's Child and Chris Rock as well as clips of such legends as Al Green, The Temptations, Run-D.M.C. and Gladys Knight.

"It hurts," ICTG principal Percy Sutton says. "When I bought the Apollo, many people outside New York had never heard of the Apollo. Now it's a brand. But now is the time [to sell]. Given the growth of cable and other content providers, this kind of material is great."

ICTG—which is not affiliated with the Apollo Theatre Foundation—owned the Apollo until 1992. From then until 2002, ICTG licensed the rights to produce "It's Showtime at the Apollo."

The $20 million minimum bid is not for the faint-hearted. Sutton, who will be among the special honorees at the Apollo benefit, predicts the collection will fetch $25 million-$30 million. Direct written inquiries via certified mail to Chuck Sutton, ICTG, 3 Park Ave., 40th Floor, New York, N.Y. 10016. The deadline is July 7.

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FACT FILE

Label: Warner Bros.
Management: Suzette Williams, the Headquarters
Booking: Monterey Peninsula Artists
Publishing: Shesangz Music (BMI)

JAMES

GLADYS KNIGHT will receive BET's lifetime achievement award at the TV channel's fifth annual awards event.

RAB/HIP-HOP BY GAIL MITCHELL
Radio personality Wendy Williams, who handles afternoon drive at R&B/hip-hop WBLS New York, is also a TV host (VH1’s “Wendy Williams Is On Fire”) and best-selling author (“The Wendy Williams Experience,” named for her SupeRadio-syndicated show). Now the self-dubbed Queen of All Media is preparing to add “recording artist” to her résumé.

Her compilation “Wendy Williams Brings the Heat: Volume 1” will hit stores June 28 on Virgin Records. The CD contains tracks by such acts as Jadakiss, Beenie Man, Guinilla Black and M.O.P.—and one song with a spoken-word interlude by Williams.

“I love M.O.P. I’ve loved them since they first hit the map,” she says of her decision to include the hip-hop duo. “They have a grimy type of rhyme style. [It’s] very ‘hood . . . but I’ve never grown out of that, and that’s what I wanted on my CD.”

Williams also gives a nod to the Dirty South with Atlanta newcomer Young Jeezy. “It was important to me to get some music from the South. Being syndicated, I’ve learned to accept, embrace and love all music. Besides, it’s not hard to love music from the South. It’s infectious.”

Williams describes the compilation as a labor of love in which she maintained creative control. She collaborated with the album’s executive producer, Kevin Hunter, on everything from selecting the artists to sequencing the tracks.

“I definitely had my hands in all aspects of this CD,” Williams says. “It was important to me that this album be a reflection of me.”

To fans, she offers this advice: “Just smile, snap your neck, open your suntan and enjoy.”

Radio Puffy: Sean “P. Diddy” Combs has joined forces with Radio Disney to help roll out “Incubator,” a series that highlights new music acts under the age of 21.

The first installment premiered May 16 and featured Combs’ new R&B/rap act, BS, whose debut album is due July 19 on Bad Boy. Brothers Dustin, Kelly, Patrick, Cornell and Bryan Breeding were spotlighted on Radio Disney with two-minute segments that included their music. In addition to the on-air coverage, BS was given Web space on radioDisney.com.

Combs is enthusiastic about his involvement with “Incubator.” “I just knew it’d be a good way to expose (new acts) to their target audience,” Combs tells Billboard. “The exposure that they could get from this could really help them. Future shows will feature acts from a variety of labels.”

EMI Italy’s Subsonica Boom
Label Will Seek New Territories For Electronic Rock Act’s Debut

EMI Music Italy will push electronic rock act Subsonica in Europe this year, buoyed by the domestic success of the Turin-based group’s Virgin debut, “Terrestre.”

The April 22 Italian release entered the FIM chart at No. 2, rising to No. 1 a week later. It shipped platinum (80,000 units) in its first two weeks, according to EMI Music Italy deputy managing director/VP of A&R Fabrizio Giannini.

The 14-track set includes radio/download-only single “Abbinomato,” which reached the top 20 of Music Control Italy’s national airplay chart in April, ahead of a May Italian tour.

Subsonica released three previous studio albums on Nizza Monferrato-based indie label Mescia. Now the group’s five members—Max Casacci, Samuel, Ninja, Boosta and Bass-Vicio—are embroiled in a contract dispute with Mescia’s publishing division.

EMI Italy will release “Terrestre” in other European territories beginning in September. “The time has come to promote them abroad,” Giannini says. “They really are the best electronic band around, with amazing potential.”

—MARK WORDEN

Back on the Attaque:
Leading French indie rock act Louise Attaque has ended a four-year hiatus with a return to touring ahead of the release of its third album in September.

The four-piece returned to the road between March and May, playing 20 dates in Russia, Latin America and Asia. It will preview tracks from the as-yet-untitled album on a French tour starting June 17 at the Grand Rex in Paris. International release plans are not yet finalized.

During the four-year break, vocalist/guitarist Gaetan Roussel and violinist Arnaud Samuel released two albums with side project Tarmac, while drummer Alexandre Margraff and bassist Robin Feix issued one album with their band All Dragon. All were on Paris-based Atmosphères, a joint venture between founder Marc Thonon and Universal Music France.

Thonon says Louise Attaque’s 1997 self-titled debut album has shipped 25,000 copies globally. The lead single from the new album, “C’était Hier,” was released June 1 in France for download only.

The band is published by Laed (Delabel Editions) and managed and booked by Yann Hannon at A PLT Tour in Rennes.

—EMMANUEL LEGRAND

Gold Strike: All-girl South African pop trio Jamali may have finished second last September in the South African version of “Popstars,” but the act’s self-titled EMI Music South Africa debut album has been a winner with the country’s pop fans.

Domestic shipments of September 2004 release “Jamali” passed the gold mark (25,000 units) earlier this year, according to the label. They now stand at 34,000. Pop/kwaito group PuffnnLingo, another EMI signing, won the SABC network talent show. Ghetto Lingo’s debut, “Pump It Up” (CCR/EMI), has shipped 16,500 to date, the label says.

South African consumers and radio programmers took to the homegrown R&B/Adult contemporary on “Jamali” with equal enthusiasm. The album also earned the trio—Jacqui Carpe, Mariëan Luiters and Lule Phembeni—a nomination for best newcomer at the recent South African Music Awards.

Jamali has proved to be one of a few domestic R&B groups capable of translating popular live shows and airplay into sales. EMI Music South Africa international marketing director Pino di Benedetto says the label does not yet have international plans for the act, which is signed for songwriting to Johannesburg-based Tartan Publishing.

—DIANE COETZER
In The Spirit

DEBORAH EVANS PRICE dprice@billboard.com

Music

KAREN CLARK SHEARD goes to Church for Live Album

Karen Clark Sheard recently recorded her third live album at her home church, Greater Emmanuel in Detroit. Due Sept. 27 on Word, the project will feature a stellar list of guests including Israel Houghton, Byron Cage, Donald Lawrence, Darius Twins, Tamias Pringle, Marvin Winans and the other Clark sisters.

In other Clark family news, Dorinda Clark-Cole is among the voices you'll hear on "The Word Becomes Flesh," an audio version of the New Testament published by Thomas Nelson.

Artists who read parts in the project are donating royalties to Mercy Ministries, a nonprofit residential program for females ages 13-28 dealing with such problems as eating disorders, chemical addictions, pregnancy, depression and abuse. Thomas Nelson will match the royalties donated by the artists as well as an additional 10% of the product's sales.

"The Word Becomes Flesh" includes an original music score.

NEW GRAMMY: During its semiannual board of trustees meeting, the Recording Academy added a new Grammy Award category to the existing gospel field for best gospel song.

Entries must be first released during the current eligibility year and must be either a new song or a song that first achieved prominence during the year. The Grammy will be awarded to the songwriter. This brings the total number of categories to 108.

NEWS NOTES: The Bobby Jones International Gospel Industry Retreat is set for June 12-14. This marks the first year the gathering takes place in Fort Lauderdale, Fla., at the Broward Center for the Performing Arts. Those unable to attend can check it out via coverage on the Word Television Network. Additionally, the Sheridan Gospel Broadcasting Network is once again the marquee sponsor, and will broadcast the retreat live daily to its affiliates.

Israel & New Breed has renewed its recording deal with Integrity Music Group, and leader Israel Houghton has extended his exclusive publishing agreement with Integrity Music Publishing. The group's album, "Live From Another Level," was recently certified gold by the Recording Industry Assn. of America.

KAREN CLARK SHEARD recorded for album at the Greater Emmanuel church in Detroit.

Music from Tonex is being featured in the film "XXX: State of the Union," starring Ice Cube and Samuel L. Jackson. The movie features "The Good Song" from Tonex's debut album, "Pronounced Toe-Nay." The song is also included on the film's soundtrack album.

Atlanta-based film and video producer/director Darryl D. Lassiter, owner ofDDL Entertainment, is launching a new music video division. Lassiter's credits include the 2004 Stellar Award for best music video for Vickie Winans' "Shook." He also won the division of RBC Ministries in Grand Rapids, Mich., is set to launch its own distribution arm, Discovery House Distribution, July 1. Upcoming releases include new projects from Lamelle Harris, Wintley Phipps and Brooklyn Tabernacle vocalist Damaris Carbaugh. Discovery House is also working on a new praise and worship product line.

The Mississippi Mass Choir's new album, "Not by Might nor by Power," now has an accompanying songbook published by Malaco. A DVD and VHS related to the album are also available.

Score Takes (Bat) Wing

"Batman" Character's Dark History Inspires Composers

Composers Hans Zimmer and James Newton Howard recently emerged from their own bats with a looming, gothic swell of a score for the Warner Bros. film "Batman Begins," which opens June 15.

The latest installment of the franchise, directed by Christopher Nolan and starring Christian Bale, is a look at the vigilante's childhood and the motivation behind his late-night, rubber-suited jaunts through Gotham.

Capturing the mood, Howard says, was "much more about shape rather than specificity. There's an idea of motion, of the darkness to this guy, combined with a tremendous rage and energy that I think was really what we wanted to write about, and not so much a tune you go around whistling."

The two also consulted with composer Mel Wesson, who came up with the swooping sound of giant bat wings that Zimmer and Howard say end up characterizing the score.

Zimmer, who self-effacingly claims he was daunted by the idea of a whole franchise resting on his shoulders, brought Howard in on the project by calling Nolan to say he "happened to know a sucker [he] could talk into pushing around a large orchestra."

With Howard onboard, the two exchanged ideas that they sent to Nolan, who was editing the film in London. The composers later joined the director for the orchestral recording process.

"I think I went to London the first time with the idea that if it was all looking really silly, I was going to bail on it," Zimmer jokes, "and leave James holding the bag."

The score streets June 14 on Warner Sunset. The film will also be shown in IMAX theaters starting June 15, which is a first for the "Batman" franchise.

ELECTRIC YOUTH: Kicking off this year's VisionFest, set for July 20-24 in New York, is the Jason Rem-directed "Put the Needle on the Record."

The documentary, to be screened on the film festival's opening night, highlights the evolution of the electronic music scene, with footage from around the world dating back to the early 1970s.

Rem, who also executive-produced and wrote the film, uses interviews with such producers and high-profile DJs as Christopher Lawrence, the Crystal Method, Roger Sanchez and Dirty Vegas that were conducted during the 2003 Winter Music Conference in Miami.

The film made its worldwide debut at last year's Dubrovnik International Film Festival in Croatia, and Rem hopes to find a theatrical distributor following its New York premiere.

"It was made to be seen big and heard loud," he says.

With 55 licensed tracks for the project, Rem is also planning to release two separate soundtracks timed around the film's theatrical and DVD releases pending label and distribution interest.

A DOUBLE HIT: Look for two versions of Super Records' "Crash" soundtrack, both of which hit stores June 7.

The Paul Haggis-directed story of post Sept. 11, 2001, Los Angeles is accompanied by the music of composer Mark Isham and released as the set "Crash: Original Motion Picture Soundtrack." Supervised by Richard Glasser, the second album, "Crash: Music From and Inspired By," features Kansas City's "II. . .", --written specifically for the movie-- as well as Stereophonics' "Maybe Tomorrow" and Move's "Problems," both of which are in the film.

Other licensed tracks include Billy Idol's "Plastic Jesus" and Bird York's "Save Me."
While past when, arguably, the model of an entire track—"Postar Gar"—there are a few bright spots, like the more upbeat "Just Want You To Know" and "Cradle Back To You," which help keep the album aloft. "Never Gone" will boost the Boys' adult pop ambitions, but musically, it is less than inspired.—KK

ALANIS MORISSETTE

Jagged Little Pill

ACOUSTIC

Producer: Glen Ballard

Maverick

Release Date: June 14

Undoubtedly, Alanis Morissette has performed the songs from her 1995 worldwide smash, "Jagged Little Pill," hundreds of times. Unfortunately, this musical pilgrimage, sometimes veered ever and fear of keeping to that seminal album fresh. Throughout her career, Morissette has proved herself a powerful, raw songwriter, even amid often sparkling production. However, "Acoustic" packages a grass-rooted effort in shiny wrapping. Morissette strives too hard to pack every syllable with her signature yelps and yodels; she should leave some melodies alone instead of denying their charm. While the arrangements (strings, light keyboards, acoustic guitars and sedate drumming) are refreshing, "Acoustic" suffers from too much weight to be considered a true revitalization of the original.—KH

BACKSTREET BOYS

Never Gone

Producers: various

Jive

Release Date: June 14

After a five-year hiatus, the Backstreet Boys return with their signature brand of bubblegum pop songs and goofy tales of heartbreak. Lead single "Incomplete" has a more grown-up feel, but unfortunately that sophistication is lacking through the rest of the album. It's obvious the group is trying to shake its boy-band image, but the result is too many midtempo tracks that sound alike ("Wicked World," "Lost It All," "Still ..."), balanced with a couple of shoddy throwbacks ("Poster Gar"). There are a few bright spots, like the more upbeat "Just Want You To Know" and "Cradle Back To You," which help keep the album aloft. "Never Gone" will boost the Boys' adult pop ambitions, but musically, it is less than inspired.—KK

CARRIE UNDERWOOD

Inside Your Heaven (time not listed)

BO BICE

Inside Your Heaven (time not listed)

Producer (both): Desmond Child

Writer: A. Carlton

Publisher: not listed

RCA (CD/DVD)

"American Idol" finished its fourth season more with ratings vigor than ever before, and it was a great ride for viewers when, arguably, the two best finalists were adorned with the winning flags. Unfortunately, while past the-holders have been long songs that—while gloriously cheesy—were towering multi-octave infernos, the number laid on 2005 victor Carrie Underwood. "Inside Your Heaven," leaves her little room but to shriek across so many octaves that even Celine Dion would leave this song in tatters. (That's all the more tragic, given that "Heaven" writer Andreas Carlson penned Dion's magical "That's the Way It Is." Man, what happened?) Runner-up Bo Bice does a better job with the same song, adding some depth and meaning to a difficult and dauntingly shallow tune. Underwood and Bice, as well as No. 3 finalist Josselyn Solomon, are all admirably dexterous and talented artists, but let's hope the material gets much, much better once the reality show madness wraps around the nation's collective musical investment. At this stage, our votes lean toward the more versatile Bice. And top 40 programmers, please remember, if the song is this, 35 million viewers are counting on you to make radio fun and personal again. Don't blow your chance. Look for Underwood's single release June 14, packaged with "Independence Day" (already in the top 30 on Amazon.com's sales chart as a pre-order), and Bice's June 21, with "Vehicle" (No. 12 on Amazon.com), following explosive debuts on The Billboard Hot 100. It's going to be one sizzling summer.—CT

BRIAN ENO

Another Day on Earth

Producer: Hannibal/Ryknodisc

Release Date: June 14

As far as ambient music is concerned, Brian Eno didn't just perfect it—he invented it, in a series of late-70s and early-80s albums that are groundbreaking, even by modern electronic standards. But Eno also put his stamp on more traditional rock'n'roll on such seminal post-Roxy Music solo albums as "Another Green World" and "Here Come The Warm Jets." The many styles of Eno are on display on Another Day on Earth, his first album in 15 years to employ his own singing. "Dancing Beasts" and liquid guitar lines enliven "And Then So Clear," while the angelic "Bottommiers" make up for most of the fun out of little more than Eno's multitracked vocals. Standouts like "This" and "Just One Day," hadn't been heard out of place amid his early solo work, and "Going Unconscious" is the kind of synth-y instrumental radiohead would kill for. Highly recommended.—JC

R&B

MARVIN GAYE

At The Copa

Producer: Harry Wayne Owen

Select/Motown

Release Date: April 29

"At The Copa" is not a vital revue. Of course, Gaye fans hating breathing new life into other people's songs. He shines on Cole Porter's "1 Concentrate on One Thing as We Sit Together in The Night," popularized by Frank Sinatra. It is also a thrill to hear this consummate crooner run through a medley of selections from his Motown colleagues. Available only at hip-seelet—MP

LATIN

FRANCISCO CESPEDES

Autorretro

Producer: Dagoberto A. Gonzalez Jr.

Warner Music Latina

Release Date: June 7

The idea behind Cuban singer/songwriter Francisco Cespedes' new recording, "Autorretro" (which means "self portrait"), is noteworthy: Each song is accompanied by a single instrument. Thus, "Autorretrato," which was recorded in Cuba (although Cespedes has long lived in Mexico), has tracks accompanied by only violin ("Ahora Puedes Decir"), vibraphone ("Se Me Va" or bass (the single "Oye Bien La Clave"). It's an interesting concept, but unfortunately, most of the tracks are so ponderous that instead of introspection we get self-indulgence. Even on the Consuelo Velázquez classic "Bésame Mucho," the melody is sacrificed to experimentation. Some purists and fans will undoubtedly love this album. But it's hard to imagine "Oye Bien La Clave," with no discernible rhythmic line, playing on the radio.—LC

ROCK

THE I1ERS

Eoghan's Breakdown (Revisited)

Producer: not listed

Astralwerks

Release Date: June 14

Anyone who doubts that the late Joe Strummer was born with "rock'n'roll" tattooed on his heart should listen to these pre-Cash recordings. The I1ers were part of the back-to-the-roots pub rock scene in early-'70s London, Strummer's lead singer and guitarist. Of these 21 tracks, nine are live, and the recording quality ranges from adequate to dim. Although the ruggedly-bright voice that gave the Clash its passion punch holes in space and time, merrily maturing (and occasionally mangling) this eratic collection of originals and rock oldies. Worth noting: the rockabilly blast of opener "Let'sgettabitarockin" and Clash precursor "Keys To Your Heart." The live tracks ("Gloria" and the Rolling Stones' "Out Of Time") are chaotic but fun, full to Diddley muscle ("Hideaway") and Chuck Berry speed ("Maybelline")—WR

LIFE OF AGONY

Broken Valley

Producer: Greg Fidelman

Epic

Release Date: June 14

It has been eight years since the last album from Life of Agony, which broke up two years after the 1997 departure of vocalist Keith Caputo. What was supposed to be one-off reunion was met with such an overwhelming response that the Brooklyn, N.Y., quartet has re-formed. LOA picks up where it left off with the poppy "Soul Searching Sun," but the time off seems to have recharged the group.

Caputo remains a unique, soulful vocalist, and "Broken Valley" fits right in with what's on rock radio. "Last Cigarette" sounds similar to Velvet Revolver, while the riff and subject matter of "Junk Suck" echoes old-school Alice in Chains. The band isn't breaking any new ground, but that won't matter for the long lasting fanbase that missed the group the first time. Highlights include first single "Love To Let You Down," the Calm That Disturbs You" and "The Day He Died."—BT

COREY HARRIS

Daily Bread

Producers: Scott Billington, Steve Reynolds

Rounder

Release Date: June 7

Corey Harris' last album release was three years ago, but it took him that long to get around to "Daily Bread," that's cool, because this CD is a jewel. When he debuted in 1995 with Between Midnight and Day, his groove was basically acoustic blues. A decade later, he has grown beyond any single genre. "Daily Bread" is a moveable feast that travels effortlessly among rock, reggae and ska.
There’s even a romantic ballad, “The Sweetest Thing,” a beautiful duet with violinist Morwenna Lasko. Harris has always been an intriguing singer/songwriter whose eccentricity is matched only by his eclecticism. Among the many outstanding tunes here, make special note of “Mami Wata,” “The Bush Is Burning,” “The Peach” and the melodic title track. —PVV

STATIC X
Start a War
Producer: Ulrich Wild
Warner Bros.
Release Date: June 14
“Start a War” marks the return of guitarist Koichi Fukuda and producer Ulrich Wild to the Static X fold. The reunion doesn’t keep these 13 tracks from sounding like inter-changeable pieces of formulaic industrial trash. For lyrics, all you’ve got is frontman Wayne Static repeatedly screaming a choice sentence, and then a fragment of that sentence, with no style at all. A few sparks of ingenuity fly on “Dirtmouth,” “Just In Case” and “Skintyman”; they indicate that if the group worked on song structure instead of being preoccupied with capturing a musical ruckus on tape, the material might fly. Things even take a techo dance turn on closer “Brainfrog.” But then, you’re just wondering what the point of the album was.—CLT

GOSPEL
NICHOLE NORDENMAN
Brave
Producer: Jay Joyce
Sparrow Records
Release Date: May 24
On her first studio album in nearly three years, Nichole Nordeman teams with producer Jay Joyce to create a record that is an appealing swirl of sound, marrying memorable melodies with her always compelling lyrics. The title track/first single is an effervescence number inspired by her 2-year-old son Charlie, while “Hold On” is a gorgeous, smoky ballad about enduring hard times and drawing strength from God’s unconditional love. “We Build” is a poignant song about marriage and the complexities of making a life together, and “What If” is a potent little slice of art that challenges skeptics to open themselves up about humanity. Nordeman’s honey-soaked vocals, which are infused with a depth and integrity that make her seem wise beyond her years, bring each cut to life. Her sabbatical has left fans eager for new music, and “Brave” is definitely worth the wait.—DEP

JAZZ
MUNGUS BIG BAND/ ORCHESTRA/DYNASTY
I Am Three
Producer: Sue Mungus
Sunshine
Release Date: June 7
This disc represents the combined firepower of the Mungus Big Band, the Mungus Orchestra and the Mungus Dynasty Septet. As always, the object of their endeavors is to interpret the compositions of jazz giant Charles Mingus. This big band jazz at its best, performed by a cadre of players whose commitment to Mingus’ repertoire is formidable. In addition, all the arrangements for the Big Band and Orchestra were penned by Mungus himself, a member of the groups. Of particular note are bassist Boris Kozlov’s deft arrangement of Mingus’ challenging piece “Tensions,” saxophonist John Stubblefield’s persistently swinging interpretation of “Song With Orange” and Roben Eubanks’ take on the bluesy “MODA.” The 10 songs are replete with exceptional solo flights, yet the most impressive aspect of this disc is the overall excellence of the ensemble performance.—PVV

NEW & NOTEWORTHY
CAITLIN CARY & THAD COCKRELL
Begonia
Producers: Brad Jones, Thad Cockrell, Caitlin Cary
Yec Roc
Release Date: June 14
With projects pairing good friends can be dicey, but occasionally they result in something remarkable. Such is the case of “Begonia,” the first full-length collaboration between singer/songwriters Caitlin Cary (Verdade, Way Out West) and Thad Cockrell. Soked in traditional country heartbreak, their easygoing ballad “(Pretend To Break My Heart)” (“Warm and Tender Love”) and shuffle “Something Less Than Something More,” “Don’t Make It Better”) are nothing short of pure delight. Beyond recalling a forgotten era of countrified music, songs like “Second Option” and “I Am the Magic” are often conjured in helping establish a country sound in the 1980s. On Cary’s third CD, “Whiskeytown” project, she has finally settled on a comfortable and winning sound. One can only hope the future brings a more permanent pairing with Cockrell.—BAJ

BOOKS
OASIS Lyla (4/12)
Producers: Noel Gallagher, Dave Sardy
Writer: N. Gallagher
Publishers: Oasis/Sony/ATV
Epic (CD promo)
From its sixth studio album, “Don’t Believe the Truth,” the songbird band Oasis delivers its catchiest single in years. Already an overseas smash—No. 1 in the United Kingdom and Japan and No. 2 in Italy—it appears that stateside radio smells a hit as well. Before its official release date, the song reached No. 19 on the Modern Rock chart. “Lyla” is a refreshingly straightforward enough pop appeal to potentially re-engage an estranged American audience. Oasis’ last hit here was “Champagne Supernova,” nine long years ago. Does America still care? If the band sold out Madison Square Garden in slightly more than an hour is a pretty strong indication that it does.—KT

THEORY OF A DEADMAN
Hello Lonely (Walk Away From This) (3/38)
Producer: Howard Benson
Writers: J. Connolly, J. Black, B. Benner
Publishers: Theory d/b/a Moock-Me (SOMC)
604/roadrunner (CD promo)
The only thing more memorable than summer romance is summer heartbreak. So if your soulmate dumped you in the next three months, Theory of a Deadman has a handy theme for your deva-station. “Hello Lonely (Walk Away From This)” will likely give the Canadian rock trio the break it has been seeking at radio. Deadman captures the feeling of lazy, sunshine-filled days with briskly strummed guitars and a foot-tapping beat topped off with anguished lyrics. “How do I live without you? How could you just walk away from this?” are not the most original sentiments, but that doesn’t make them any less affecting. Watch this song fuel sales of the band’s current album, “Gasoline”—CLT

DANIEL POWTER
Bad Day (3/33)
Producers: Michael Froman, A. Williams
Writer: D. Powter
Publishers: Song 6 (BMI) Warner Bros. (CD promo)
Warner Bros. (CD single) The American-Rejects have been M.I.A. since their crossover hit “Swing, Swing” was spinning off top 40 in the summer of 2003. The somber, photogenic foursome—who retain their cool factor with casual outfits but are clean-cut enough to take home to mom—are letting us in on “Dirty Little Secret” to introduce its upcoming album. A.A.R. doesn’t shy from its pop pedigree, which is front and center in this little ditty, where a whoopee-finkle-Blink-182 meets Fountains of Wayne. It’s a by-the-numbers hit written for attention-challenged teens, and it’s so brief, you might miss it if you blink.—CLT

CYK
Familial Reason
(3/43)
Producer: Chad I. Ginsberg
Writers: D. Miller, C. I. Ginsberg
Publisher: not listed
Records: CD/promo
“An Answer Can Be Found” with “Familial Reason,” which sounds, well, familial. Chad II. Ginsberg’s guitars are heavy and fuzzy, vocalist/rythm guitarist Deron Miller still sounds raspy and dessy. Mr. Margarita keeps this midtempo sludge fest steady with his sound negative, or bliss, it works. No other group mixes the everyday doldrums of suburban life with horror-movie-inspired lyrics and heavy riffs like this West Chester, Pa. act, which is now a trio. (Bassist Vern Zabrowski was ousted last summer.) Lyrics swing toward frustration and ennui and are not perhaps inspired by the group’s growing fame. Who can complain about a son of singer songwriter father who says: “I’ve seen nothing but to say, “You can barely make it in this business.”—BT

PAUL ANKA
Jump (3/39)
Producer: Alex Christensen
Writers: D.L. Big (aka A. Van-Halen)
Publisher: not listed
Records: CD/promo
An Anka has come along, courtesy of his new CD “Rock Swings,” to put his mark on the tune. The idea is that the swing versions of rock songs isn’t particularly new, as anyone who picked up Pat Benatar’s 1989 album, “In A Metal Mood,” can attest. And it is hard to imagine the “kids” wanting to hear this. It’s a brave remodel of songs that is old enough to drink. However, any fan of classic rock or Van Halen will probably get a (jump) kick out of hearing Anka’s take on the track, and it is a bold, fun move for the singer, considering he has been on the charts for nearly 50 years. Expect to hear this one on morning shows galore.—BT
Musings Of The Month Of May, Mariah And Mexico

The last Tuesday of May was a quiet release date for what had been an otherwise busy month, thus there are no new entries in The Billboard 200’s top 10.

Toward the end of April, an astute reporter from a national publication asked me if the parade of big-name releases that began with Bruce Springsteen April 26 and would continue through the next four Tuesdays could make a dent in the gap from last year’s album sales. As I recall, my expert answer was something along the lines of “Maybe.”

In the six-week span that began with the one ending May 1 through the one that ended June 5, there were more top 10 starts on the album chart than there were in the similarly dated weeks of 2004 (19 vs. 13), more long-plays in the top 20 (31, compared with 27), and in four of those six 2005 frames, the top 10 albums sold more than they did in the same-numbered sales week of last year.

In fact, the top 10 starts from those half-dozen weeks contributed 1.4 million units, more than the 2.4 million from new entries in that part of the chart during the comparable calendar weeks of 2004. So, it looks like the career-best sales weeks for the likes of Nine Inch Nails, System of a Down, Audioslave, Common, Karda, Gorillaz and Seether that followed the Boss’ arrival made a difference, right?

Not as much as you might think. Album Watch, as noted below in Market Watch, are down by 8.3% from 2004, compared with the 9.4% deficit we saw the week that Springsteen’s album arrived.

Fact is, the numbers could have been worse. If you look at weeks by date, rather than same-numbered sales weeks, Nielsen SoundScan shows there were more album units sold during those six frames of 2004, 66.4 million, than the 65.6 million that were sold during the same stretch of 2005.

WOman ON TOP: For the first time in eight weeks, the No. 1 rank on the Billboard 200 does not represent an album’s first week as Mariah Carey reclaims the throne despite a 4% slip in her eighth chart week (171,100 copies).

Thus, “The Emancipation of Mimi” is not only her first No. 1 album in eight years, but also her first in almost 10 years to spend more than one week at the summit. “Butterfly” stood on top only during its debut week in 1997, but her 1995 set, “Daydream,” clocked six weeks at No. 1. “Mimi” has sold 1.7 million copies, Carey’s best seller since her 1990 album “Rainbow,” which has sold 2.9 million.

She will give way next week to Coldplay (see story, page 8).

SOUTH OF THE BORDER: A long-awaited Billboard goal will be realized next week when an album chart from Mexico joins the magazine’s Hits of the World lineup.

Initially, it will rotate with Brazil’s list, another long-sought addition that joined our pages in the May 21 issue. A preview of the Mexican chart, showing the top five albums for the week ending May 22, appears on this page. Like the list from Brazil, the chart will run 10 titles deep, starting next week. The Mexico chart is provided by label trade group Amprofon, which is a member of global association the International Federation of the Phonographic Industry. Amprofon says the chart is based on data compiled by BIMSA, which measures TV ratings in Mexico.

Approximately 70% of the nation’s data is collected from retailers’ point-of-sales systems. The remaining 30% of its sales, including those from significant chain Mix-Up, are based on exit polls of consumers who shop stores that are not in the point-of-sale panel.

In the week illustrated, six of the top 10 albums are by Mexican acts, and four are American repertoire. Highest-ranked among the U.S. entries is the soundtrack to “Star Wars Episode III: Revenge of the Sith.” Also represented are Intocable, System of a Down and Moby. Intocable is a Spanish-language band from Texas that has placed 15 titles on the Billboard Top Latin Albums chart.
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**Notes:**
- The chart is for the week of June 18, 2005.
- The chart includes a variety of artists and songs, with a focus on alternative and indie music.
- The highest charting song is "Hello" by Lionel Richie, which peaked at #1.
- The chart highlights the diversity of artists and genres represented, including rock, pop, and alternative music.

**Additional Information:**
- The chart is compiled by Billboard, a well-known music industry publication.
- The data includes sales figures, chart positions, and other relevant information for each entry.
- The chart is updated weekly to reflect the latest music trends and performances.

**Source:** www.billboard.com
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**Original Broadway Cast Recording**

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<td>BMG</td>
</tr>
<tr>
<td>TITLE</td>
<td>Artist</td>
<td>Bars</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>&quot;Out of My Heart&quot;</td>
<td>Mariah Carey</td>
<td>1</td>
</tr>
<tr>
<td>&quot;Can't Fight This Feeling&quot;</td>
<td>Mariah Carey</td>
<td>4</td>
</tr>
<tr>
<td>&quot;Diamonds from Sierra Leone&quot;</td>
<td>Mariah Carey</td>
<td>3</td>
</tr>
<tr>
<td>&quot; Sisters of the Doo-Wop&quot;</td>
<td>Mariah Carey</td>
<td>3</td>
</tr>
<tr>
<td>&quot;Hero&quot;</td>
<td>Mariah Carey</td>
<td>3</td>
</tr>
</tbody>
</table>

Data for week of JUNE 18, 2005 | CHARTS LEGEND on Page 99

**BETWEEN THE EULOGIES**

**CAREY BREAKS HOT 100 RECORDS**

Mariah Carey continues her stunning resurgence as "We Belong Together" garners 235 million listeners (its fifth straight week at The Billboard Hot 100's top airplay gauntlet) and sets a one-week Hot 100 airplay record with 192.3 million impressions.

She beats the 189.6 million that Mario's "Let Me Love You" reached in the Feb. 5 issue. Carey's 65 million lead over Gwen Stefani's "Hollaback Girl" is the largest in the history of Hot 100 Airplay.

—Silvio Petrelli
### Hot R&B/Hip-Hop Airplay

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist (Label)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Can't Stop It</td>
<td>Usher (J Records)</td>
</tr>
<tr>
<td>Hate U If You Love U</td>
<td>B2K (LaFace Records)</td>
</tr>
<tr>
<td>Just A Lil Bit</td>
<td>Preezy Tha Kid (Def Jam)</td>
</tr>
<tr>
<td>Candy Shop</td>
<td>Young Jeezy (Interscope)</td>
</tr>
<tr>
<td>The Game</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Make It Happen</td>
<td>Amerie (Grand Hustle/Atlantic)</td>
</tr>
<tr>
<td>I'm Not A Player</td>
<td>G-Unit (Interscope)</td>
</tr>
<tr>
<td>I Go</td>
<td>Missy Elliott (The Gold Mind/Atlantic)</td>
</tr>
<tr>
<td>Who's That Girl</td>
<td>Ja Rule (Ruff Ryders/Interscope)</td>
</tr>
<tr>
<td>Stop Lovin' You</td>
<td>50 Cent featuring Aaliyah (G-Unit/Def Jam)</td>
</tr>
<tr>
<td>Can't Get Enough</td>
<td>Anita Baker (MCA)</td>
</tr>
<tr>
<td>I'm Always On My Mind</td>
<td>Shemekia Copeland (Ruf)</td>
</tr>
<tr>
<td>What's Luv?</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Why You Upset</td>
<td>K-Ci &amp; JoJo (Def Jam/Interscope)</td>
</tr>
<tr>
<td>Respect</td>
<td>Nelly (Young Money/Cash Money/Universal)</td>
</tr>
<tr>
<td>Clubbin'</td>
<td>Eric Roberson (Motown)</td>
</tr>
<tr>
<td>Turn It Up</td>
<td>The Game (Def Jam/Interscope)</td>
</tr>
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</table>

### Hot R&B Singles Sales

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist (Label)</th>
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</thead>
<tbody>
<tr>
<td>In The Kitchen</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Trapped In The Closet</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Right Around You</td>
<td>Usher featuring Lil Jon (LaFace Records/Def Jam)</td>
</tr>
<tr>
<td>She's Mine</td>
<td>Ne-Yo (Def Jam)</td>
</tr>
<tr>
<td>Detroit</td>
<td>Whitney Houston (DreamWorks)</td>
</tr>
<tr>
<td>We Made You</td>
<td>50 Cent featuring Missy Elliott (G-Unit/Def Jam)</td>
</tr>
<tr>
<td>So Fine</td>
<td>K-Ci &amp; JoJo (Def Jam/Interscope)</td>
</tr>
<tr>
<td>It's All About The Benjamins</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>I Like It When You Call Me</td>
<td>Mariah Carey (Island)</td>
</tr>
<tr>
<td>Heartbreak</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Ridin' Solo</td>
<td>Lil Flip (Atlantic)</td>
</tr>
<tr>
<td>Guilty Pleasure</td>
<td>Ja Rule (Ruff Ryders/Interscope)</td>
</tr>
<tr>
<td>Stay With Me</td>
<td>J.R. Writer (Silk)</td>
</tr>
<tr>
<td>I'm Not A Player</td>
<td>G-Unit (Interscope)</td>
</tr>
<tr>
<td>Haters Gonna Hate</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Whenever You Call</td>
<td>Ludacris (Def Jam)</td>
</tr>
</tbody>
</table>

### Hot R&B/Hip-Hop Airplay

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist (Label)</th>
</tr>
</thead>
<tbody>
<tr>
<td>We Belong Together</td>
<td>Usher featuring Ludacris (LaFace Records/Def Jam)</td>
</tr>
<tr>
<td>Just A Little Bit</td>
<td>Ciara featuring Ludacris (Interscope)</td>
</tr>
<tr>
<td>Candy Shop</td>
<td>Young Jeezy (Interscope)</td>
</tr>
<tr>
<td>The Game</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>I'm Not A Player</td>
<td>G-Unit (Interscope)</td>
</tr>
<tr>
<td>Turn It Up</td>
<td>The Game (Def Jam/Interscope)</td>
</tr>
<tr>
<td>Respect</td>
<td>Nelly (Young Money/Cash Money/Universal)</td>
</tr>
<tr>
<td>I Like It When You Call Me</td>
<td>Mariah Carey (Island)</td>
</tr>
<tr>
<td>Heartbreak</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Ridin' Solo</td>
<td>Lil Flip (Atlantic)</td>
</tr>
<tr>
<td>Guilty Pleasure</td>
<td>Ja Rule (Ruff Ryders/Interscope)</td>
</tr>
<tr>
<td>Stay With Me</td>
<td>J.R. Writer (Silk)</td>
</tr>
<tr>
<td>I'm Not A Player</td>
<td>G-Unit (Interscope)</td>
</tr>
<tr>
<td>Haters Gonna Hate</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Whenever You Call</td>
<td>Ludacris (Def Jam)</td>
</tr>
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</table>

### Rhythmic Airplay

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist (Label)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Let's Get It Started</td>
<td>Ja Rule featuring Styles P (Def Jam/Interscope)</td>
</tr>
<tr>
<td>On My Mind</td>
<td>Petey Pablo featuring Akon (Stuntin'/Def Jam)</td>
</tr>
<tr>
<td>Turn It Up</td>
<td>The Game (Def Jam/Interscope)</td>
</tr>
<tr>
<td>Respect</td>
<td>Nelly (Young Money/Cash Money/Universal)</td>
</tr>
<tr>
<td>I Like It When You Call Me</td>
<td>Mariah Carey (Island)</td>
</tr>
</tbody>
</table>

### Rhythm And Rap Airplay

<table>
<thead>
<tr>
<th>Title</th>
<th>Artist (Label)</th>
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</thead>
<tbody>
<tr>
<td>In The Kitchen</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Trapped In The Closet</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Right Around You</td>
<td>Usher featuring Lil Jon (LaFace Records/Def Jam)</td>
</tr>
<tr>
<td>We Made You</td>
<td>50 Cent featuring Missy Elliott (G-Unit/Def Jam)</td>
</tr>
<tr>
<td>She's Mine</td>
<td>Ne-Yo (Def Jam)</td>
</tr>
<tr>
<td>Detroit</td>
<td>Whitney Houston (DreamWorks)</td>
</tr>
<tr>
<td>So Fine</td>
<td>K-Ci &amp; JoJo (Def Jam/Interscope)</td>
</tr>
<tr>
<td>It's All About The Benjamins</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>I Like It When You Call Me</td>
<td>Mariah Carey (Island)</td>
</tr>
<tr>
<td>Heartbreak</td>
<td>Ludacris (Def Jam)</td>
</tr>
<tr>
<td>Ridin' Solo</td>
<td>Lil Flip (Atlantic)</td>
</tr>
<tr>
<td>Guilty Pleasure</td>
<td>Ja Rule (Ruff Ryders/Interscope)</td>
</tr>
<tr>
<td>Stay With Me</td>
<td>J.R. Writer (Silk)</td>
</tr>
<tr>
<td>I'm Not A Player</td>
<td>G-Unit (Interscope)</td>
</tr>
<tr>
<td>Haters Gonna Hate</td>
<td>50 Cent (G-Unit)</td>
</tr>
<tr>
<td>Whenever You Call</td>
<td>Ludacris (Def Jam)</td>
</tr>
</tbody>
</table>

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**NRV**: Not ranked/verified.

**R&B**: Rhythm and blues.

**Hip-Hop**: Hip-hop.

**Mixtape**: Mixtape.

**SoundScan**: SoundScan is a division of Nielsen Media Research.

**Nielsen Broadcast Data Systems**: Nielsen Broadcast Data Systems is a division of Nielsen Media Research.

**Copied from**: Billboard Hot 100, Jun 18, 2005, 50 Cent's 'I Can't Stop It' tops the charts with 26% of the vote.
HOT COUNTRY SONGS:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>ARTIST</th>
<th>Wk</th>
<th>Chart Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT'S AN HEARTACHE</td>
<td>McGraw, Tim</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>I'M NOT THE ONLY ONE</td>
<td>Jason Aldean</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>SOMETHING LIKE A BROKEN HEART</td>
<td>Reba</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>A HARD SECRET TO KEEP</td>
<td>Sugarland</td>
<td>24</td>
<td>1</td>
</tr>
</tbody>
</table>

BETWEEN THE BULLETS

Toby Keith and Faith Hill both r.d their fastest songs yet as his “As Good As I Once Was” and her “Mississippi Girl” Earn the Top 10 in, respectively, five and four weeks. "Good" rises 12-7 on Hot Country Songs and "Mississippi" Sails 1-9.

Keith's prior best was a six-week jaunt to the top 10 with "The Long, Slow Kisses" to number 10 in 1996.
### Billboard Latin Songs Chart

#### Chart Week:
**JUN 18 2005**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Artist</th>
<th>Week of Entry</th>
<th>Week #1</th>
<th>Peak Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&quot;LA TAMARA&quot; / NEGRA</td>
<td>Shakes Featuring Alejandro Torrebbe</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>&quot;EL CORAZON&quot;</td>
<td>La 42</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>&quot;EL SEGUNDO&quot;</td>
<td>Omar Fast</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>&quot;EL REY&quot;</td>
<td>Benny Blanco</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>&quot;EL GOL&quot;</td>
<td>Adam &quot;El Maniqui&quot;</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>&quot;LA NOCHE&quot;</td>
<td>Domy</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>&quot;ENCHAPADO&quot;</td>
<td>Danny Danne</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>&quot;EL CHINCHIN&quot;</td>
<td>Baby Ranta</td>
<td>8</td>
<td>8</td>
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</tr>
<tr>
<td>9</td>
<td>&quot;EL RUBIO&quot;</td>
<td>Don Omar</td>
<td>9</td>
<td>9</td>
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</tbody>
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### Billboard Latin Albums Chart

#### Chart Week:
**JUN 18 2005**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Artist</th>
<th>Week of Entry</th>
<th>Week #1</th>
<th>Peak Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&quot;HAUNTED&quot;</td>
<td>Daddy Yankee</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>&quot;INVISIBLE&quot;</td>
<td>Daddy Yankee</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>&quot;REBELDE&quot;</td>
<td>Daddy Yankee</td>
<td>3</td>
<td>3</td>
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<tr>
<td>4</td>
<td>&quot;EL AUTOPIS&quot;</td>
<td>Daddy Yankee</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>&quot;LA MAÑANA&quot;</td>
<td>Daddy Yankee</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>&quot;TODO&quot;</td>
<td>Daddy Yankee</td>
<td>6</td>
<td>6</td>
<td>6</td>
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<tr>
<td>7</td>
<td>&quot;QUE ME QEDA&quot;</td>
<td>Daddy Yankee</td>
<td>7</td>
<td>7</td>
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<tr>
<td>8</td>
<td>&quot;DON ORI&quot;</td>
<td>Daddy Yankee</td>
<td>8</td>
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<tr>
<td>9</td>
<td>&quot;BANDA EL RECO&quot;</td>
<td>Daddy Yankee</td>
<td>9</td>
<td>9</td>
<td>9</td>
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</tbody>
</table>

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### Additional Information

- The Latin Songs chart features popular songs in the Latin music genre, with artists like Daddy Yankee, El Autopis, and La Manana leading the way.
- The Latin Albums chart spotlights top albums, with Daddy Yankee's "Haunted" at the top for the week of June 18, 2005.
In stores NOW!
Including the hit "vengada"

www.ednita.com
<table>
<thead>
<tr>
<th>JAPAN SINGLES</th>
<th>UNITED KINGDOM SINGLES</th>
<th>FRANCE SINGLES</th>
<th>GERMANY SINGLES</th>
<th>CANADA SINGLES</th>
<th>ITALY SINGLES</th>
<th>SPAIN SINGLES</th>
<th>AUSTRIA SINGLES</th>
<th>THE NETHERLANDS SINGLES</th>
<th>SWITZERLAND SINGLES</th>
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<td><strong>THE NETHERLANDS SINGLES</strong></td>
<td><strong>SWITZERLAND SINGLES</strong></td>
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<td><strong>SWITZERLAND SINGLES</strong></td>
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</tr>
</tbody>
</table>
Singles sales charts: The top selling singles compiled from a national sample of retail sales, millions of airplay, magazine sales, and digital downloads, compiled, and promted by Nielsen SoundScan. For R&B/Hip-Hop Singles, sales data compiled from a national sample of retail sales, millions of airplay, magazine sales, and digital downloads, compiled, and promoted by Nielsen SoundScan.

Album sales charts: The top selling albums compiled from a national sample of retail sales, millions of airplay, magazine sales, and digital downloads, compiled, and promoted by Nielsen SoundScan.

Radio airplay singles charts: Compiled from a national sample of data supplied by Nielsen Broadcast Data Systems. Charts are ranked by number of gross audience impressions, computed by times referring exact times of airing with Airtime reference data. The exceptions are the Rhythm Top 40, Adult Top 40, Adult Contemporary, Modern Rock and Adult R&B charts, which are ranked by total detections.

RECURRENT RULES: Songs are removed from the Hot 100 and Hot 100 Airplay charts if they have been on the Hot 100 for more than 10 weeks and rank below 50. Songs are removed from the Hot R&B/Hip-Hop Singles & Tracks and Hot R&B/Hip-Hop Airplay charts simultaneously if they have been on the Top 150 for more than 30 weeks and rank below 30. Songs are removed from Hot Country Songs & Tracks if they have been on the chart for more than 10 weeks and rank below 50. Provided that they are not still pending enough points to debut. Songs are removed from the Adult Top 40, Adult Contemporary, Adult R&B, and Hot AC charts if they have been on the chart for more than 26 weeks and rank below 15 (20 for Modern Rock).

Singles sales charts: The top selling singles compiled from a national sample of retail sales, millions of airplay, magazine sales, and digital downloads, compiled, and promoted by Nielsen SoundScan. For R&B/Hip-Hop Singles, sales data compiled from a national sample of retail sales, millions of airplay, magazine sales, and digital downloads, compiled, and promoted by Nielsen SoundScan.

CONGRATULATIONS: Songs with the greatest sales gain.

HITNOTE: Indicates the highest Hot 100 debut that particular format based on rank: 1-100. Generally, the top 100 are blind auditions on a Saturdays on American Idol.

2000'S GREATEST HITS LEVELS: Level 1: The American RIAA certification for each of these albums is platinum plus. Level 2: The American RIAA certification for each of these albums is platinum.

ALBUM CHARTS: Recording Industry Association of America (RIAA) certification for net shipment of 500,000 albums in the United States. RIAA certification for net shipment of 10 million albums (Gold). Numeral within Platinum symbol indicates album’s multi-platinum level. For boxed sets, and double albums with a running time of 100 minutes or more, the RIAA multiplies shipments by the number of discs (or) tapes. Certification for netshipment of 1,000,000 units (Gold). Certification for 200,000 units (Platinum). Certification for 400,000 units (Multi-Platinum).

SINGLES CHARTS: RIAA certification for 100,000,000 downloads (Gold). Certification for 200,000,000 downloads (Platinum). Numeral within platinum symbol indicates song’s multi-platinum level.

MUSIC VIDEO SALES CHARTS: RIAA gold certification for net shipment of 25,000 units for video singles. RIAA gold certification for net shipment of 50,000 units for videotapes.

DVD SALES CHARTS: RIAA gold certification for net shipment of 50,000 units or $5 million in sales at suggested retail price. RIAA gold certification for a minimum sales of 125,000 units at a dollar volume of $8 million at suggested retail price. RIAA platinum certification for sales of 250,000 units or $10 million in suggested retail for non-theatrical titles. RIAA platinum certification for a minimum sales of 250,000 units at a dollar volume of $15 million at suggested retail for non-theatrical titles.
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**MILEPOSTS**

**Simon Waronker, Founder Of Liberty Records, Dies**

Simon "SI" Waronker, co-founder and chairman of Liberty Records and namesake of the Chipmunks’ Simon, died June 9 of natural causes. He was 90.

Waronker started as a violinist and worked as a musician in Germany before fleeing the Nazis in 1939.

Returning to his native Los Angeles, Waronker recorded music for 20th Century Fox films until 1955. He and Jack Ames founded Liberty Records later that year. At first, the focus was on easy listening, jazz and pop. One of the label’s earliest hits was “Cry Me a River” by Julie London in December 1955.

The label quickly moved into rock, signing Eddie Cochran, who had a huge hit with “Summertime Blues” in 1958.

That was the same year that Ross Bagdasarian scored the label’s second most popular song in its history: “Witch Doctor” (recorded under his pseudonym David Seville).

‘Witch Doctor’ saved Liberty Records,” says Waronker’s son Lenny, a highly regarded producer and former label executive at Warner Bros. and DreamWorks. “It came at a time when the label was in trouble.”

Bagdasarian then started the cartoon trio the Chipmunks, naming them after Liberty execs Waronker, president Alvin Bennett and engineer Theodore Keep. The characters landed two top 10 albums.

Another major Liberty success was Bobby Vee, who tallied six top 10 hits for the label.

Lenny says his father succeeded because of his high standards and a keen market sense.

“He had a key understanding of what it was to go against the grain,” Lenny says. “He was obsessed with quality. He always had the best vinyl and artwork. It was always about being slightly different, not just to be different, but because it was great and a smart way to compete. He was very smart about taking chances.”

Liberty’s A&R staff during Waronker’s time included Snuff Garrett, Clyde Otis, and, for a brief time, Phil Spector.

In 1963, citing health problems, Waronker sold his share of Liberty to Avnet and, Lenny says, never looked back—even when Bennett bought the label back two years later. “He felt, ‘I hit it when you’re hot and get out.’”

Lenny says. “Once he quit, he quit.”

In 1967, Liberty was purchased by Trans America and folded into United Artists. EMI purchased UA in 1979.

In addition to his son, Waronker is survived by a daughter, eight grandchildren and two great grandchildren. His grandchildren include Interscope senior marketing executive Steve Berman and musicians Joey and Anne Waronker.

No public memorial service is planned. Details of a scholarship fund in Waronker’s name are forthcoming.—Melinda Newman

Additional reporting by Fred Bronson in Los Angeles.

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**Perry Cooper, Dead At 59**

Music industry veteran Perry Cooper died May 28 in Fredericksburg, Va., of liver failure. He was 59.

Cooper started in the industry as assistant music director for WINS New York. This led to on-air gigs with WBJA-TV and later WKOP, both in Binghamton, N.Y. He made his transition to the label side in the promotion department at Liberty Records.

Cooper joined Arista as national promotion director in 1975. Two years later, he moved to Atlantic and began moving up the ranks, eventually becoming VP of artist relations. In 1992, he was named VP of artist/tour development.

Leaving Atlantic in 1995, Cooper formed Perco Artist Development and Management, where he managed the Bootlegs, former Bay City Rollers frontman Duncan Faure and Firehouse.

Cooper is survived by three daughters, four grandchildren and a sister. Memorial donations can be made to the TJ Martell Foundation, 555 Madison Ave., 9th Floor, New York, N.Y. 10022.—Margo Whitmire
The Dave Matthews Band has joined ice cream company Ben & Jerry's and the saveourrnvironment.org coalition in the Lick Global Warming campaign. A May 17 news conference in New York announced a nationwide search for an "Enviro-Roacie to tour with the band. Pictured at the news conference, from left, are band members Boyd Tinsley and Dave Matthews and Ben & Jerry's founders Ben Cohen and Jerry Greenfield. They are enjoying the new Ben & Jerry's flavor Dave Matthews Band Magc Brownies (vanilla ice cream with fudge brownies and raspberry swirls). Photo: Ray Stubblebine /Ben & Jerry's)

Country artist Neal McCoy was honored with the Academy of Country Music/Home Depot Humanitarian Award at the 40th annual Academy of Country Music Awards held May 17 at the Mandalay Bay Resort & Casino in Las Vegas. Pictured, from left, are McCoy, actress Molly Sims and comedians Bob Schneider and Amanda Bynes. (Photo: Les Bunten)


Blues legend and 13-time Grammy Award winner B.B. King celebrated his 80th birthday this year with multiple projects including the $30 million B.B. King M. overseas in his birthplace, Indianola, Miss. King, left, is pictured with longtime manager Floyd Lieberman at his 80th birthday party (the actual date is Sept. 16) May 12 at the Savoy Hills Hotel.
The Wailers opened the new House of Blues club in San Diego with a May 11 performance. Pictured, from left, are band members Junior Marvin and Glen DaCosta. Installation of new House of Blues in San Diego is underway.

Ozzy Osbourne signed CDs for a charity auction at the Lords of Dogtown Art Collection (May 31) at the Adidas store in Los Angeles. Pictured, Ozzy and his wife Sharon Osbourne are surrounded by memorabilia of the Z-Boys, the Southern California skateboarders who are portrayed in the Fox exec Pictures film "Lords of Dogtown." Boarding for Breast Cancer is the beneficiary of the tour.

The ASCAP-sponsored 10th annual Key West Songwriters Festival presented Craig Wiseman with a plaque for being named the Billboard 2004 country songwriter of the year. May 13 at the Hog's Breath Saloon in Key West. Pictured, from left, are ASCAP's Mike Sistad, Wiseman, his wife K.K. Wiseman and ASCAP's Ralph Murphy. (Photo: Alan Mayer)


Dave Navarro received the Stevie Ray Vaughan Award at the inaugural MusiCares MAP Fund benefit concert held May 20 at the Music Box @ Fonda in Hollywood. The organization also honored concert promoter Goldenvoice in memory of Rick Van Santen, with the MusiCares Map Fund Heart Award. Pictured, from left, are Red Hot Chili Peppers' Flea, recording Academy president Neil Portnow, Navarro, host Tom Arnold and guitarist Jerry Cantrell. (Photo: Lester Cohen/WireImage.com/courtesy of the Recording Academy)

Motown legends gathered May 16 at the Zanzibar club in Santa Monica, Calif., to celebrate the new "Motown Remixed." Pictured are Motown producers "Motown Remixed," from left, are producer/publisher Norman Whitfield and writer/producer William "Mickey" Stevenson, writer/publisher Smokey Robinson, recording artist Mable John, Temptations member Otis Williams and former Motown executive Miller London. (Photo: Michael Siewert)

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THREE LATIN TENORS

Three Latin superstar bands are planning to take on the United States. Marc Anthony, Chayanne and Alejandro Fernández will play together in approximately 20 arenas in major U.S. markets, beginning in August, sources say. The tour’s name is yet to be determined. Although Latin stars have struck out together before in major tours, the joint efforts tend to be in pairs, and extended joint tours have mostly fallen under the regional Mexican category (most recently, Marco Antonio Solís and Joan Sebastian toured together). In this case, Marc Anthony represents tropical and pop music, Alejandro Fernández popular and ranchera and Chayanne purely pop.
Opening and closing slots will rotate from venue to venue, sources say. All three singers are signed to Sony BMG. More details will be publicly announced in the coming days.

FLYING HIGH

Stuck in a plane for a few hours, you might as well listen to some music. The Jones Gang debut album “Any Day Now” isn’t even out yet and already the band is flying high. In order to promote the release on AAO Music’s Reality label, the band—which consists of Kenney Jones, Rick Wills and Robert Hart—has partnered with USA 0000 Airlines in a marketing campaign that will include in-flight play for the album. As part of the campaign, the airline will feature on the outside of its jet the cover of the album as well as the FYE logo.

TOP SECRET SUMMIT

The industry is buzzing about a music biz summit June 15-16 in Napa Valley, Calif. The CEOs and presidents of all the major music organizations—including the Recording Industry Assn. of America, the Recording Academy, the Songwriters’ Guild of America and the National Music Publishers’ Assn.—will be sequestered in wine country to discuss such issues as piracy, artists’ rights, publishing requirements for digital uses and the potential ramifications of the Grokster case.

DANCING QUEEN

Billboard has learned much more about Madonna’s next album for Warner Bros. Yes, it will be a dance album, which is still a “work in progress,” according to sources. Madonna is working again with Mirwais, who produced material for 2002’s “Music” and 2003’s “American Life.” Other producers include Stuart Price, musical director for her Re-invention tour, and Swedish producer Bloodshy, who co-produced Britney Spears’ “Toxic.” Although Madonna has said she expects an October release, sources say that may be a bit premature. A tour for next summer is also in the works.

NASHVILLE MOVES

Warner Bros. Nashville loves musical chairs. VP of field promotion Gator Michaels has been promoted to senior VP of promotion for the company. He replaces David Haley, who exited in March. Concurrently, West Coast regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position. He’ll relocate from Phoenix to Nashville. Michaels and Malito have been with WB Nashville since the summer of 2002. In other Nashville label news, DreamWorks Records Southwest regional promotion manager Jim Malito moves into Michaels’ just vacated VP position.
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