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Copyright D-Day

An Obscure Provision In A 1976 Law Could Let Artists Take Back Their Work

BY WALLACE COLLINS

While the recorded-music business is left reeling from file sharing, further trouble may lurk around the corner. In a few years recording artists and songwriters will be entitled to terminate (or contractually transfer and demand back) their copyrights.

An often overlooked provision of the 1976 Copyright Act provides for the termination of copyrights. Even if an artist or a songwriter signed a contract with a record company or music publisher that purports to transfer all rights to a work in perpetuity, the Copyright Act would allow authors to terminate that grant and demand that the rights revert to them sooner.

Generally speaking, for copyright grants made on or after Jan. 1, 1978 (the effective date of the 1976 Copyright Act), the termination period is 35 years under Section 304 of the act. For pre-1978 works it is the termination period of 56 years after copyright was originally secured under Section 304 (c)-d). For grants on or after 1978, termination may be exercised anytime during a five-year period starting five years after the execution of the grant; if the grant concerns the right of publication of the work, then the period begins on whichever comes first, 35 years after publication or 40 years after execution of the grant. Although there are certain formalities that must be complied with to effect the transfer, this essentially means that recording artists and songwriters can start exercising their rights of termination as soon as 2013—which could effectively decimate record companies and publishers.

When the 1976 Copyright Act was drafted, few of us could envision a world in which artists wouldn’t need record companies to finance, manufacture, promote and distribute their recordings. The expectation was that the label and artist would simply have to renegotiate a deal to continue working together. In the digital age, this is no longer true. Any artist could take back his masters and then offer them on his own Web site or license the rights to an online aggregator. High-profit acts with established fan bases and large catalogs—Bruce Springsteen, Billy Joel, Blondie—don’t need much advertising or marketing.

Anyone familiar with record company contracts knows that recordings are created as work for hire. (Music publishing contracts generally provide for the assignment and transfer of a copyright.) Under the 1976 Copyright Act the termination provision is not applicable to a genuine work for hire but would still provide artists with exercising their rights of termination. Just a few years ago I ligitated a case where the court held that a sound recording does not qualify as a work for hire (therefore, a great deal of care on the part of the artists and those signing with them will be needed to ensure that the grunt work is not a work created by an employee is a work for hire depends on various factors other than the language of the contract. This area of law appears to be ripe for litigation by recording artists who want to exercise their termination rights. From cases I’ve ligitated and the case law I’ve researched, artists are likely to prevail over record companies on this issue.

The termination rights of artists and songwriters are generally subject to a five-year window, after which the right to terminate the grant is forfeited. To be effective, the artist or songwriter must serve a written notice of termination to the original record company or publisher—or its successor—no more than 10 and no less than two years prior to the effective date stated in the termination notice. That notice must state the effective date of termination, and a copy must also be filed with the U.S. Copyright Office prior to the effective date of termination. Although the termination rights of an artist under the 1976 Copyright Act would only be effective in U.S. territory, the size of the U.S. market still makes these rights valuable. In this case, what’s good for artists might further erode the influence of major record labels. It could even jeopardize their future. Labels would be well advised to start planning for 2013 now.

Wallace Collins is a New York lawyer specializing in entertainment, copyright, trademark and Internet law who is “of counsel” to the law firm of Sterling Robbins. He was an Epic Records artist before attending Fordham Law School.

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LATEST decline from the yen ($158 million) income primarily to the pro forma of Samsung's $1.2 billion, generated during the five locations acquired from a rival during the month.

During the period ended Dec. 31, Sony Music Entertainment generated 105.2 billion yen ($1.2 billion, 22% decrease on a dollar basis compared with the same quarter of the previous fiscal year. Operating income increased 10% year on year, primarily due to the consolidation of SME in the current quarter. On a pro forma basis, SME operating income of 14.4 billion yen ($158 million) represents a 41% decline from the prior year when its results were not consolidated with Sony Corp.’s results.

NOW HEAR THIS
U.S. Unit Sales Of The Five Best-Selling ‘Now’ Compilations

<table>
<thead>
<tr>
<th>TITLE</th>
<th>FEATURING</th>
<th>YEAR</th>
<th>UNITS</th>
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<tr>
<td>‘Now 5’</td>
<td>'N Sync, Britney Spears, Backstreet Boys</td>
<td>2000</td>
<td>4.8M</td>
</tr>
<tr>
<td>‘Now 6’</td>
<td>Jennifer Lopez, Destiny’s Child, Coldplay</td>
<td>2001</td>
<td>3.4M</td>
</tr>
<tr>
<td>‘Now 8’</td>
<td>Jessica Simpson, Mandy Moore, Gorillaz</td>
<td>2003</td>
<td>3.4M</td>
</tr>
<tr>
<td>‘Now Christmas’</td>
<td>Bing Crosby, Ella Fitzgerald, Frank Sinatra</td>
<td>2001</td>
<td>3.3M</td>
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<tr>
<td>‘Now 7’</td>
<td>Nelly, Janet Jackson, Mystikal</td>
<td>2001</td>
<td>3.3M</td>
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SOURCE: Nielsen SoundScan

BY KAMAU HIGH

HEY 19

‘Now That’s What I Call Music!’
Teams With Simon Fuller On TV Pitch

“Now That’s What I Call Music!” the long-running series of hit compilations, is being shopped as a TV show by Simon Fuller and his 19 Entertainment company.

While still in its early stages—the show doesn’t have an official title yet, although it’s likely to incorporate some variation of the “Now” brand name—details are beginning to emerge.

Fuller, the mastermind behind “American Idol” and “So You Think You Can Dance,” has the exclusive global rights to negotiate a TV deal based on the property. “This show will be nothing like ‘American Idol!’ and definitely won’t be a spinoff,” he says. “It will be a new take on music programming.”

At the center of the show will be the hit songs themselves, by such acts as Britney Spears, U2 and Jay-Z (see chart, below).

“The TV show is designed to take the brand ‘Now!’ and bring it to a broader level,” says Bob Mercer, CEO of Now! That’s What I Call Music, a partnership involving Sony Music Entertainment, Universal Music Group and EMI Music. (Warner Music Group has a competing product called “Only Hits.”)

“A lot of people are buying ‘Now!’ as their guide to what is happening in the music world over the last few months,” Mercer says. “The intent is to take that brand and that trust in that brand and establish it as a TV show with the same elements.”

That, he suggests, could mean featuring performances by artists from the compilations, whether through concert footage or in-studio appearances. “We’ll probably form our own pop chart or the public can be involved,” Mercer adds.

Another element of the show would involve appearances by such veteran acts as the Rolling Stones or Madonna, possibly through interviews, performance footage or in-studio appearances, he says. The program’s final aspect would involve finding the next “Now!” artists, Mercer says. “That would be new up-and-coming talent that’s either already signed or just as likely not already signed.”

The show’s Web site will play a critical role in its development, Mercer says, adding that a section of it will be devoted to videos that people upload of themselves trying out for the show. The overall setup is reminiscent of “Soul Train,” “American Bandstand” and the United Kingdom’s “Top of the Pops”—hit shows from earlier decades that had music at their center with live performances and interviews.

Mercer has been working on the idea of a TV show for about a year, with Fuller coming onboard a few months ago. “Managing a partnership of Sony, Universal and EMI is akin to herding cats,” he says.

He adds that these efforts are unrelated to the TV special that aired in November on MTV1 marking the “Now!” series’ 25th anniversary in the United Kingdom.

Should the show become a reality, expect changes in everything from the packaging of “Now!” albums to how often they’re released, including the possibility of releasing CDs more frequently with fewer tracks, Mercer says.

Could that lead to price drops and digital-only distribution? “The vast part of our business is still physical,” he says. “I’m not going to go down the path of the baby and the bathwater until we have a better lock on what our TV property will be. If we have a weekly presence on a national network, I would be an idiot if I didn’t re-evaluate my business model.”

The franchise, which got its start in the United Kingdom in 1983, has remained remarkably durable. Since its U.S. launch in 1998, the series has spawned 42 albums that have charted on the Billboard 200. All 29 of the regular “Now!” albums (excluding holiday and genre-specific sets) have reached the top 10, while a dozen of them have hit No. 1.

Although it isn’t yet clear which network would air the show, 19 already has a longstanding relationship with Fox, thanks to “Idol”—still TV’s top-rated show, with 25 million viewers watching the Jan. 27 episode—and strong performers “Dance,” which generally attracts about 10 million viewers per episode, according to Nielsen Media Research.

“‘Now!’ is good, existing example of the music industry working together,” Fuller says. “This show will unite the whole music industry and give it one voice.”

Additional reporting by Keith Caulfield and Ann Donald.
DIGITAL DEBUTANTES

iTunes Sales Lift Three Acts To The Billboard 200

The first three sales weeks of January yielded a striking trend on the Billboard 200: Each week, an emerging act's new album charted based solely on digital sales.

Thanks to favorable home-page exposure at the iTunes Music Store, free downloads, attractive pricing and a traditionally slow sales period, up-and-coming acts Erin McCarley, Company of Thieves and the Boxer Rebellion each debuted on the big chart.


While none of the three albums remains on the Billboard 200 this week, their strong initial showings were a reminder of the market’s continued transition to digital sales, as well as the formidable leverage that iTunes retains with consumers.

“It was just a matter of time before this type of thing happened for the first time and starts happening more often,” McCarley’s manager Michael McDonalnd says. “It speaks to shifts in the business, and it’s certainly not the last we’re going to see of it.”

Along with their auspicious debuts, the three acts had another thing in common: Each of their albums was priced at $7.99 or less in its debut week and had a single that was available for free through iTunes. (McCarley and the Boxer Rebellion were featured as the Single of the Week with “Pony (It’s OK)” and “Evacuate,” respectively, while Company of Thieves’ “Oscar Wilde” was listed as a Discovery Download.)

An Apple spokesman declined to comment on the sales, but Dorothy Hui, Wind-Up senior director of partnership marketing and digital strategy, says Company of Thieves’ charting success wouldn’t have been possible without iTunes’ assistance.

“It was definitely driven by the visibility in the store and the fact that we were actually putting the free download into the hands of consumers,” she says.

About 250,000 iTunes customers downloaded “Oscar Wilde” during a two-week promotion, according to Wind-Up senior VP of sales Derek Graham. The timing of the release in January also “probably helped a little bit, especially this January, which is pretty dead,” he says.

“There was promotional room available then, which is good timing.” “Ordinary Riches,” which gets a physical release Feb. 24, has sold 6,000 downloads, according to Nielsen SoundScan.

In the last week of December, approximately 600,000 iTunes users downloaded McCarley’s free single, according to Pat Monroe, Universal Records executive VP of sales and field marketing. “Certainly, there is no physical campaign that you can do now that would have had an impact like iTunes did in its first week,” Monroe says, noting that McCarley’s music was featured in several TV shows and that she had toured leading up to the release.

“People were somewhat familiar with her name and had heard her music on so many of any number of locations,” McDonald adds. “And iTunes helped connect the dots.”

A physical version of “Love, Save the Empty” (Universal Republic) sold 3,000 copies, according to Nielsen SoundScan. Total sales are at 20,000.

NDP Group analyst Russ Crupnick says that many labels are seeking less expensive options for marketing developing artists. “Some of the labels I talk to are making an ever-increasing effort to do programs on iTunes,” Crupnick says. “The younger audience is increasingly listening to music online and using all kinds of online vehicles for discovery.”

Boxer Rebellion manager Sumit Botha agrees, saying that offering free downloads and getting attractive placement on the iTunes store’s home page almost instantly gives an act global awareness.

“Prior to iTunes there would’ve been no way of creating that profile without having to go to each individual territory and do promotion and marketing in those territories to raise awareness on this level,” he says. But “it’s the ability of the band and the team around that band to harness all of that potential.”

Additional reporting by Ed Christman and Alex Viasilis.

UNBOXED REBELLION

With iTunes’ Help, Unsigned U.K. Band Crashes The Charts

London-based rock act the Boxer Rebellion has found a powerful friend in iTunes and can partly thank the digital music giant for the resurgence of its career, which was brought to a halt in 2005 following the financial collapse of its former record label, Poptones.

Without help from a label, the Boxer Rebellion released its sophomore album, “Union,” exclusively through iTunes and landed at No. 82 on the Jan. 31 Billboard 200. “Union”—the follow-up to its 2005 debut, “Gatherer,” which sold 4,000 copies, according to Nielsen SoundScan.

Prior to the Jan. 13 digital-only release, the Boxer Rebellion didn’t have any radio play or press awareness in the United Kingdom and had only played occasional gigs to showcase new material, according to band manager Sara Botha. Things changed when a member of the iTunes music team discovered the band’s MySpace page and expressed interest in featuring the group’s “Evacuate” as a free single on the iTunes store’s home page.

“We simply had a fan base, a Single of the Week and a great record,” Botha says. “And we sold between 2,000-3,000 albums in the U.K. in the second week of January.” The Official Charts Co. could not confirm that number, and “Union” was ineligible for the main U.K. album chart because it wasn’t released physically.

But an OCC spokesperson said it had been eligible, sales would not have been high enough for it to crack the top 100. The group plans to release a physical copy of “Union” after it raises enough money to do so, Botha adds.

Since the iTunes exposure, Botha says a number of labels have expressed interest in the band. “We’re just exploring all of our options and hearing everyone out,” he says. “A label would help us get to where we need to go quicker, and it would certainly be a catalyst for us.”

The band has concert dates booked throughout Europe beginning in March, but one of Botha’s main focuses is breaking the act in the United States. If funding permits, the Boxer Rebellion will book shows in major state-side markets following South by Southwest. The group has already received airplay from influential non-commercial KCRW Los Angeles.

Meanwhile, the Boxer Rebellion plans to record a live album in front of 300 contest winners March 9 at the Apple Store in London.
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SYNCH POP

EMI Locks Up Ad Deal For Norman Cook Side Project

EMI has secured a sync deal for a track from the debut album of the Brighton Port Authority, a side project of Fatboy Slim mastermind Norman Cook.

While the deal itself is unusual, how it came about is. It's the first such transaction handled by EMI Group's newly formed EMI Music Services division, which aims to provide artists on EMI labels and unaffiliated imprints with retail marketing, distribution, licensing and merchandising services.

The idea of serving artists and labels beyond EMI's own portfolio came about because the major's executive vice president of marketing and promotion, Ronn Werre, and his team recommended creating a new business unit to serve the needs of the company's artists and labels.

EMI executives concluded that "a music services company makes the most sense," Sexton says. "We are trying to expand our revenue streams and set up service companies that others can tap into.

In the case of Cook, EMI placed the Brighton Port Authority's cover of the Motown classic Ser's "He's Frank" in a Ford Motor TV ad campaign. EMI released the Brighton Port Authority's commercial for the "Fudge Tray" and also uses it in a Ford commercial, where they don't have the recording rights," Blackburn says. "She delivered the Ford commercial to us.

Cook has enjoyed considerable success placing his work in ad campaigns and movies, such as "Praise You!" for Mercedes-Benz, "Right Here Right Now" and "Next Time" for Automatic. "We've been working with Cook's management for over a year," Blackburn says. "They approached us about the song.

In the next three years, the report found that nine out of 10 artists who won or performed saw an increase in album sales. Three-quarters of those also had spikes in digital song sales.

Artists at various stages of their careers have benefited from Grammy buzz. Amy Winehouse, a superstar in the United Kingdom but an up-and-comer in the United States, nearly quintupled the weekly sales of her Universal Republic album "Back to Black" after performing on last year's show and winning five awards, jumping from 25,000 to 115,000 copies, according to Nielsen SoundScan. Herbie Hancock's "River: The Joni Letters" on Verve/Universal sold 54,000 copies the week after it won album of the year in 2008, a whopping 967% increase. Robert Plant and Alison Krauss, nominated for album of the year (and four other categories) this year for their Ronder collaboration "Raising Sand," had a jump of 88% for the album in its post-nominations week.

After the 2007 Grammys, "half of musical participants enjoyed a sales push of 50% or more during the seven-day post-show period," according to the Nielsen study.

On Grammy night, songs performed during the ceremony inspire viewers to jump online and download digital versions. But the Grammys are not the only awards show with music. The Oscar winners for best original song have all experienced a bounce. Glen Hansard & Marketa Irglova's "Falling Slowly" from the movie "Once" leapt 207% in digital downloads, from 14,000 to 42,000. Other Academy Award music winners, such as Melissa Etheridge's "I Want to Wake Up" and Three 6 Mafia's "It's Hard Out Here for a Pimp," and their soundtracks posted double- and triple-digit percentage gains.

Still, there are times when awards shows have a lesser-than-stellar impact on sales. Though several winners and performers on Unvision's Latin Grammys telecast Nov. 13 experienced large percentage increases relative to their sales, only Juanes saw an album gain of more than 1,000 copies.

Additional reporting by Leila Cobo and Ann Donahue.
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FREQUENCY MODULATION

Radio Biz Takes Stock Of The PPM As Arbitron Moves To Calm Critics

The static over Arbitron’s Portable People Meter is beginning to clear up.

After being dogged by controversy regarding its audience measurement methodology, recent settlements with the attorneys general in New York and New Jersey have begun to shift the radio industry’s focus to the changes that the PPM is bringing to programming and promotion strategies.

The PPM is a pocket-sized sensor worn by survey panelists, which provides far more detailed listening data than traditional paper diaries. But the electronic measurement system, which began rolling out in 2007 and has now replaced the diary system in 14 markets, quickly came under criticism, mostly from broadcasters that cater to urban and Hispanic audiences, who charged that the PPM system undercounts minority listeners.

Those complaints helped trigger the New York and New Jersey lawsuits, which accused Arbitron of deceptively claiming that the PPM system provided an accurate measurement of diverse radio markets. Arbitron and the attorneys general settled the suits in early January, which included a provision addressing a key criticism of the PPM: that its smaller survey sample size would undercount minority listeners.

Arbitron agreed to double the sample target for households only using cell phones. With the latest U.S. government figures showing that 18.5% of blacks and 18% of Hispanics rely exclusively on mobile phones, adequate representation of cell-phone-only households had been a major concern.

Arbitron agreed to increase cell phone-only sampling in stages—from its current 7.5% target to 15% by July 1, 2010, in New York and by Dec. 31, 2010, in Philadelphia—along with providing data on the composition of the cell-only survey sample by race, ethnicity and age to subscribing broadcasters and the attorneys general. Arbitron then said Jan. 22 that it would double cell-phone survey sample targets in all PPM markets to 15% by the end of 2010.

“Anytime Arbitron makes the extra effort to increase the sample size and get an accurate measurement of the audiences that sample radio is always a good thing,” says Kevin Brown, PD/morning show host of Inner City urban AC KBLS in San Francisco. “This is just a start of many other improvements that Arbitron needs to incorporate to make sure that ethnic audiences are properly measured.”

Service Broadcasting/Dallas OM Gary Saunders, who oversees urban KKDA (K-104) and urban AC KRNB, says the increase in cell phone-only household sampling will also help with other mobile-oriented marketing efforts.

“We have to get clever on the way we attack those cell phone users now and be more aggressive with contests and sending around test messages,” Saunders says. “Now your Internet [e-forts]and your viral videos and stuff that you send out to people’s cell phones become even more important.”

Despite concerns among some minority-focused broadcasters about the PPM’s impact, many urban and Hispanic stations in PPM markets posted listenership gains in December. With the exception of Detroit, where only one urban station improved its ratings share, all 14 PPM markets had multiple urban and Hispanic stations trend up in December. It isn’t clear whether the rise was due to survey sample improvements or programming adjustments by stations.

Skip Dillard, OM at Inner City urban AC WBLX in New York, believes it’s a combination of the two. “But I also think it’s too early to tell because so much has had to change from the way we had been programming under the diary system,” he says. “Obviously, Arbitron has had to make tons of adjustments to their system. So right now we’re all just feeling our way forward.”

Station programmers who have had access to PPM data say it’s a better reflection of how people listen to the radio than the diary. Because PPM data is based on actual listening, the “phantom” audience of those who used to listen to a station but failed to list it in their Arbitron diary can now be measured.

“Anyone who has been in this business for a long time knows that phantom come is real, but now we can just attribute it better than we used to be able to,” says Ron Harrell, PD of Citadel hot AC WDV/Detroit, who converted to electronic measurement in December 2008.

This contributes to a bigger chunk of “light” or casual listening, which brings down time spent listening dramatically for all formats but also causes large cumulative audience increases across the board, according to Dave “Chachi” Denes, who was PD of hot AC KBIG (104.3 MyFM) Los Angeles until Jan. 20 when he was laid off as part of Clear Channel’s recent cutbacks.

With the advent of the PPM, PDs are finding that long-held programming rules and beliefs are going out the window. For example, the first and third quarter-hours actually don’t require more emphasis than the second or fourth since listeners are tuning in equally across the entire hour. And tactics to keep the audience listening all day long are unrealistic, as people aren’t tuned in to their radios for eight-hour stretches.

“It’s more about appointment listening and creating a specific time for them to tune in,” Denes says. “We find that people aren’t listening as long, so we have to make it easier for them by generating those listening occasions. We do a lot of very good promos to generate the listening occasions.”

Harrell says that despite the fact that programmers are finally able to quantify the importance of appointment listening, it’s just a matter of playing the hits, no matter what format they program.

“You have to be in the playing-hits business, and the more you concentrate on that, the better chance you have with any listener,” he says.

While the PPM can show when people punch out down to the minute, it may have had nothing to do with anything that aired on the station. “If someone has to be at work or at a doctor’s appointment at 8:30 in the morning, they need to get out of their car at 8:25, and it doesn’t matter how great the content is or how good the song is,” Denes says.

The PPM can reflect format, on-air personality or programming changes within weeks of putting them on the air, but Harrell warns that PDs should be patient with the data and not make knee-jerk reactions based on initial feedback.

“Over time, you can see trends,” he says. “You get a sense of whether a show or format concept is working. Now, we have a device that will give us feedback a lot more quickly than before.”

By Keith Berman, Mike Boyle, Alexandra Cukill, Darnella Dunham, Paul Heine and Jeffrey Yorke.
From Ray Charles to the Cool Kids, PepsiCo has long made extensive use of music in its advertising and marketing campaigns. Mariah Carey, Britney Spears, Shakira and Justin Timberlake are among the artists who’ve starred in Pepsi-Cola TV spots. And although its plans hadn’t been finalized at press time, the company was considering airing ads during this year’s Super Bowl featuring Lil Wayne and Will.I.am for Gatorade and Pepsi, respectively.

But PepsiCo’s use of music has also extended to more unusual initiatives, such as Mountain Dew’s digital singles label Green Label Sound and Pepsi’s free music promotions at Apple’s iTunes Store in 2004 and Amazon’s MP3 store last year.

Dave Burwick, chief marketing officer of PepsiCo North America Beverages, spoke with Billboard about the importance of music in the company’s marketing efforts.

1. **Pepsi recently shifted its advertising account from longtime home BBDO to TBWA. Will Pepsi and its affiliated brands continue to use high-profile musicians in its advertising?**

Music has always been a part of our DNA and played an integral role in connecting consumers. Going forward, there’s a good chance it will continue. How we work artists will continue to evolve. It starts with what we’re trying to communicate as a brand. In the past we’ve said, “I like artist A and I want to associate with this artist,” like how Budweiser and Jay-Z did it. That’s not the path we’re on. We’re about communicating how Pepsi is a catalyst for positive change in the culture. Clearly, musical artists play a big role in that. There is no long-term plan other than Pepsi and music go well together.

2. **Mountain Dew has its own record label, Green Label Sound, which gives singles away for free. How do you measure the success of such a label?**

Buzz and Internet chatter. We also track the success of the artists and how their careers are going. We ask, “Are we getting a reaction from our consumers and are consumers aware?”

3. **Will other Pepsi brands launch their own labels?**

It’s unlikely. We want to make sure our brands don’t overlap or get into each other’s territory. A brand like Pepsi is likely to work with more established artists, whereas a brand like Mountain Dew is likely to work with up-and-coming artists.

4. **Coca-Cola recently unveiled a campaign that features such acts as Fall Out Boy and Gnarls Barkley. Do you feel Coke is taking a page from the Pepsi playbook?**

They’ve used music in the past, they’re just not as known for it as we are. They really hit it out of the park with Sprite and KRS-One (in a 1995 TV ad campaign). The Coke brand probably hasn’t used music quite as much as we have. It doesn’t mean it’s good or bad; it’s all about everything coming together.

5. **The company’s Pepsi Stuff promotion with Amazon’s MP3 store ended Dec. 31. How did the campaign go?**

The results were good. We measure results on whether the business moves and what the redemption rates are. We saw upward movement in both. These types of programs can be very complicated to manage so it’s unlikely we’ll do it again. iTunes was easier, because it was “Buy a Pepsi and get a free download.” Those are simpler than asking people to collect points, hold on to them and manage them.

6. **Pepsi and VH1 are once again sponsoring the VH1 Pepsi Smash Super Bowl Bash concert. Given the tough economic environment, will Pepsi be cutting back on such high-profile endeavors?**

No. Our point of view is that now is the best time to invest in our brand and put our brand in the spotlight. One, because no one else is really investing, so it’s quiet out there. Two, media is a better value than it’s ever been. Three, we feel we have a lot of great creative. It’s the perfect confluence of events. I’m a big proponent of music as a way to build and sell brands. Music is just too important in the culture to ignore. I don’t see marketers shying away from working with the music industry. The big question is, “Will people cut back on their spending?” I don’t think people will.
DigMeOut
Numero Imprint Unearths Amateur Obscurities

When I first heard about the Numero Group's plan to launch Local Customs, an imprint to re-release small-town recording-studio basement tapes, the first thing that popped in my mind was the Langley Schools Music Project.

The Project, which was recorded in 1977 and released on Bar/None in 2001, featured a student choir covering '70s hits. It was meant to be a school fund-raiser and was not meant for wider release to the general public. But once it was uncovered and re-released nearly a quarter-century later on CD, the record became a minor hit, selling 47,000 copies, according to Nielsen SoundScan.

Of course, for every Langley Schools, there are dozens of other albums found by crate diggers and re-released to absolutely no fanfare in more modern formats. Do we really need to hear every song that someone's neighbor wrote as a birthday present for his daughter? Or the cacophonous racket created by countless teenage bands that never made it out of the garage? According to Numero minister of information Ken Shipley, who helped launch Local Customs, yes, in fact, we do.

"On the DVD that accompanies the first Local Customs release, you have the option of listening to all the tapes we found in the studio," he says. "We have an audience that likes that type of completeness."

Indeed, Numero's audience shows such trust in the label that several of them will pay $100 per year in advance for whatever Numero decides to re-release that year, without knowing in advance what they'll receive. They could get music from the Bahamas, early-'70s sides by Jackson 5 wannabes or an eclectic selection of tracks from a studio in Escorce, Mich.

That studio belonged to Felton Williams, who ran a custom label from 1967 to 1981. Custom labels were the Pro Tools of their day—anyone could write a song, buy some time in a studio to record the track and then pay for copies to be pressed. "Every little town had one," Shipley says. "These people operated so far outside of the loop of the music business."

In mid-January, Numero released "Downriver Revival," a collection of tracks produced by Williams that delves into gospel, soul, garage rock and funk. "Felton had these incredibly detailed notes," Shipley says. "We found a two-year diary where he literally recorded everything. He also had good records of the publishing and copyright deals, which made things much easier for us."

Unlike some other reissue labels, which re-release music to sell or offer royalties if the copyright holder is not negotiable, Shipley says Numero Group's goal is to find people and pay them. "It involves an incredible amount of detective work," he says. "We released an album of music from Belize, and my partner went down there and found the guy who ran the original label and just worked with him. It's amazing what you can accomplish if you do the groundwork in advance and are really focused.

He also says that Numero has created new deals for artists that might have signed unfair agreements back in the day. "We get them a fair rate in 2009 terms," he says. "We have been able to go back and rewrite history."

Of course, reworking history can be more complicated than just signing a new contract. In the spring, Numero will launch a vinyl-only imprint, Numerophon, with an inaugural release by folk musician Niela Miller. Although her album has been sitting on a shelf for 40 years, listeners might recognize one track immediately. Called "Baby Don't Go to Town," Miller claims she wrote the song in 1955 but didn't copyright it until 1962. That was after her former boyfriend Billy Roberts had reworked it as "Hey Joe," which became a hit for the Leaves in 1966, although a better-known version of the song was recorded later that year by the Jimi Hendrix Experience.

"It will be interesting to see whether Billy's people come after me," the 74-year-old Miller says. "The songs have the same chord progression and the same question-and-answer format, but there was always an issue of whether Joe had a gun or money in his hand. I always thought it didn't make sense for him to have a gun when he was going to buy a gun, but we'll see what happens."

NUMERO

HOW TO:
MAXIMIZE MERCH SALES

Whether it puts gas in the van or pushes a multimillion-dollar mega-tour into the black, merchandise revenue is critical to the financial success of any tour. But smart merchandising involves a lot more than taking boxes of T-shirts on the road.

1. UNDERSTAND THE AUDIENCE
   Find out all there is to know about your fans, starting with what they can afford and what styles they favor.
   Then delve into other characteristics. Where do they live? Suburban audiences who drive to work might appreciate bumper stickers and license-plate frames, while big-city fans could be tempted by messenger bags.
   Do they have kids? Consider printing your band logo on some onesies and toddler-sized caps.
   Are your fans into brew? (Beer mugs.) The hard stuff? (Shot glasses.) Their waistlines matter too. The average classic rock fan tends to run a little larger than the typical emo fan, which should be reflected in the ratio of "S" to "XXL" sizes on offer.

   Pricing, sizing, product mix are all affected greatly by the audience," says veteran merchandiser Steve Gerstman, president of Cut Merch of Emeryville, Calif.

2. OFFER EVENT-SPECIFIC MERCH
   If a regular band T-shirt is a badge of honor, the tour-specific tee is a Purple Heart. Band merch is everywhere at the retail level and online these days, so make the tour T-shirt special.

   "Itineraries on the backs or specific tour names, dates, venues or cities all add to the 'I was really there and you weren't' factor that helps sell goods," Gerstman says.

   Truly special dates should a truly special souvenir, even if a stand-alone product runs costs up. Residences or multi-show runs at a specific venue may be worth commemorating with their own product.

3. MATCH PRODUCT SELECTION TO VENUES
   It makes no sense to offer 10 shirt designs if you only have one table set up at a club gig. Having just two items for sale at a stadium show is equally ill-conceived.
   Base the selection on the physical attributes of the room that you're playing.
   Product lines are too often set for entire tours without regard to the venue, Gerstman says. If a tour takes place outside or during the winter, sell outer garments. If it's raining, throw in some branded ponchos.
   Consider consulting with your merch fulfillment company, which may be able to offer advice on what works best where. And be sure to order product wisely based on past sales history. Your van or tour bus is already loaded down enough without adding boxes of unsold merch to the cargo.

4. DON'T SKIMP ON DESIGN
   If the shirt ain't cool, the kids ain't wearing it. But what's cool to a tween surely isn't cool to a headbanger. "If Milly's gonna wear it onstage, maybe go small, frilly and pink, and if Leonard Cohen, dark and vintage," Gerstman says. Headbangers? Black. And don't forget the obvious. Tie in new album art or resurrect a retro design for classic acts—anything to stoke your fans' imaginations. "Sometimes artists come up with weird ideas for design," Gerstman says. "It's best to relax and not fright them because they probably know what their fans want best. With that said, balance the design choices to try to get different sensibilities."
Trans Europe Express

Collecting Societies Move Toward Cross-Continental Licensing

Music publishing was very much front and center at this year's MIDEM, as the global music confab hosted its first International Publishing Summit.

Some of the big issues under discussion included how to monetize song lyrics and whether the global economic downturn will result in more publishing assets going up for sale.

But the most pressing topic of all was how the European Union's (EU) attempt to create a single digital marketplace on the continent is playing out.

Appropriately, Pan-European licensing deals were announced during the conference. U.K. collecting society PRS for Music (formerly the MCPS-PRS Alliance) said it signed a deal with Otrax, providing the ad-supported peer-to-peer music downloading service with access to the Anglo-American repertoire of peermusic and a variety of independent U.K. publishers. In another transaction, Buma/Stemra of the Netherlands became the latest collecting society to gain nonexclusive rights to Warner/Chappell Music's Anglo-American repertoire, following similar deals that the music publisher had previously signed with PRS, Germany's GEMA, Sweden's STIM, France's SACEM and Spain's SGAE. Digital services will have their choice of licensing repertoire through any one of the participating collecting societies.

Meanwhile, Universal Music Publishing Group and SACEM, which have a year-old Pan-European licensing agreement, said they signed agreements with Amazon, Nokia's Comes With Music and streaming service Spotify.

This spate of Pan-European deals has emerged amid a profound shift in how digital licensing deals are handled on the continent. The EU is trying to create a market where digital service providers can do one-stop shopping to take care of their music licensing needs instead of trying to set up licenses in each country, as was required under traditional music licensing. As for songwriters, they can choose which collecting society will manage their copyrights, based on quality of service and efficiencies in collecting and distributing royalty revenue.

While publishers and other right holders look forward to the enhanced competition and transparency that they expect Pan-European licensing will bring, the societies themselves privately are having a hard time digesting how things are playing out, expressing fears that competition could somehow impair their economic model.

In its move to establish one market for Europe, the EU "didn't care about tradition," a senior executive of a European collecting society grumbled on the sidelines of MIDEM. While the EU is hoping Pan-European licensing will help fuel growth in the digital music market, an executive with another collecting society claimed that the changes have created confusion in digital licensing and could result instead in an oligarchy where power is concentrated in the hands of a very small number of collecting societies.

Pan-European licensing is a key part of broader efforts to boost digital music sales. IFPI chairman/CEO John Kennedy said during a MIDEM panel discussion that his organization hopes to build a global song database, which would also help facilitate the development of a single digital marketplace in Europe.

And on another panel, Nicolas Galibert, president of Sony/ATV Music Publishing France and of the International Confederation of Music Publishers, says ICMP is undertaking an ambitious gambit to build a complete French lyric database for a business-to-business Web site that would make it easier to license song lyrics. The site would also offer, when available, translations of lyrics from French into other languages. Such a site would give digital service providers one-stop shopping to license song lyrics while offsetting the hundreds of thousands of sites that have unlicensed lyrics.

Finally, what's a convention without rumors about who's on the block? Amid speculation about whether this is a buyer's or seller's market, two music publishers told Billboard at MIDEM that they are each on the verge of making a big acquisition, but declined to say who they were targeting. Other publishers like Chrysalis and Evergreen Copyrights had been up for sale, but their principals say they no longer are. Both are back in growth mode, executives for both companies told Billboard.

Publisher's Place

ED CHRISTMAN

One for all: NICO GALIBERT

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www.americanradiohistory.com
C3's CHARLES ATTAL, along with brothers Seth Hurwitz and Charlie Walker, was turned away from the official inauguration festivities. Hurwitz, who is a campaigner for MoveOn.org's Manifest Hope tour with members including Sheryl Crow, Metallica, and the Beastie Boys, turned down an invitation to attend the presidential inauguration.

The nation's capital was grooving to the sound of live music as President Barack Obama took office Jan. 20. And C3 Presents partners Charlie Jones says he was thrilled to be a part of it.

"It was much bigger than just an event," Jones says.

Jones was extensively involved in the staging of Obama's inauguration and inaugural parade and provided production services for the 2010 HBO broadcast of the "We Are One" concert at the Lincoln Memorial, which featured Beyoncé, Mary J. Blige, U2 and many other performers (Billboard, Jan. 31).

The producer of Chicago's Lollapalooza and the Austin City Limits Festival, began his relationship with the Obama campaign when it produced a handful of outdoor rallies in Texas for the then-candidate before that state's Democratic Party primary.

"I think we were selected because of our skill set and our work ethic, and I would put our team up against anybody, anywhere," Jones says, admitting the inauguration job was tough on the C3 staff. "We had a couple of guys that we physically broke and had to put them on a plane and send them home," he says only partly in jest.

Many political candidates, particularly Democrats, have inspired acts to campaign and perform, but playing the Obama inauguration was clearly a coveted gig. The festivities included musical events highlighting special causes or themes including the Kids Inaugural (featuring Demi Lovato, Miley Cyrus, John Boys) the Live Earth Green Inaugural Ball (Melissa Etheridge, John Legend, Maroon 5, the Hip Hop Inaugural Ball (LL Cool J, Young Jeezy, T.I., Mario), the Huffington Post Pre-Inaugural Ball (Herbie Hancock, Josh Groban, Sting), the Rolling Stones and Arlo Guthrie at the official offsite.

YAH THINK? In an illuminating example of how quickly Wall Street is catching on to this live business thing, analyst Mark Winkes of Goldman Sachs recharged a staggering conclusion in his Jan. 31 update on Live Nation. Lower ticket prices can improve attendance, thereby boosting ancillary revenue. Of course, this has always been the case, but it certainly becomes even more important in this economy (Billboard, Nov. 22, 2008). Regardless, Winkes gives Live Nation a "buy" rating while citing such potential risks as "execution, artist relationships, irrational competition and protracted recession."

Now, who would be irrational in this business? Same as it ever was.
Drink Responsibly
Whiskey Brand Stages Intimate Superstar Concerts For Charity

In Latin America, Buchanan’s red-capped green bottle is as instantly synonymous with whiskey as the shape of an Absolut bottle is with vodka or the blue Bombay Sapphire bottle is with gin.

But Buchanan’s is also hoping to make its name synonymous in the region with social consciousness. With that goal in mind, the company launched a music-centric branding initiative last year called “Buchanan’s Forever,” which stages premium-priced concerts by global superstars and then contributes all the proceeds to charitable programs throughout Latin America.

Just how big are these superstars? In 2008, “Buchanan’s Forever” featured three concerts by Jon Bon Jovi, with Latin stars Franco De Vita, Fillo Paez and Aleks Syntek as his opening acts.

This year, the marquee artist is Elton John, who was scheduled to perform Jan. 25 in Caracas, Venezuela; Jan. 29 in Bogota, Colombia; and Jan. 31 in Mexico City.

Colombian star Fonseca was slated to open for John, with James Blunt also opening in Mexico City. Tickets range from $350 to a hefty $900 and include a gourmet dinner and open bar.

Last year’s event raised $750,000, while this year’s goal is $1 million.

“Buchanan’s Forever” is the whiskey brand’s first music-focused marketing campaign. It’s bankrolled by Buchanan’s global parent company Diageo, which owns Johnny Walker, Smirnoff, Baileys and other famous liquor brands. Diageo also runs a community service program, Learning for Life, which supports various charities in different countries.

The “Buchanan’s Forever” program was designed to go hand in hand with specific charities. In Colombia, it works with the Antonio Restrepo Barco Foundation to support a program that helps disadvantaged families and individuals start small businesses. It also cooperates with Fonovisa’s UMA in Venezuela and Fonovisa Televisiva in Mexico on other charitable programs.

The “Buchanan’s Forever” concerts stand out for their headliners and their venues. Artists like Bon Jovi or John rarely tour Latin America (John’s last tour there was 15 years ago), and when they do, they play large arenas. But the brand has deliberately steered clear of such sites by staging the concerts at smaller, more unusual locations, including farms and historic buildings.

Bon Jovi performed at places holding only 800-900 people. The success of those shows prompted Buchanan’s to book smaller, less crowded venues for John, who will play for audiences of 1,500-1,600.

“The whole program is about bringing together legacy artists with local artists,” says Suresh Kumar, project director for Buchanan’s U.S. Latin music division, which puts together “Buchanan’s Forever.” “The strategy is to create a very exclusive, intimate event.”

Buchanan’s promotes the shows with billboard, print, radio and TV advertising that begins five months before each concert. The brand then follows up by publicizing its contributions to local charities.

Kumar says he’d like to continue “Buchanan’s Forever” beyond the three years of concerts originally planned. He’d also like to expand it to other countries and encompass more artists, including emerging acts.

“It’s very important nowadays that more companies and brands take responsibility both socially and through the experiences they create,” he says.

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Looney Tunes
Regional Mexican Novelty Songs Strike A Chord

Tune in to regional Mexican radio these days, and you’ll hear more than the usual love songs and corridos. Uplift, danceable songs with an irreverent sense of humor are breaking nationally.

Los Pikadotes del Cabaret’s wacky “La Cumbia del Rio” has been on Billboard’s Regional Mexican Songs chart for 30 weeks.

In the wake of its success has come a parade of other novelty songs, including the nearly lyric-free “El Sonidito,” which sounds like someone sitting on a toy keyboard, in versions by Fonovisa’s Hechizeros Band and Sony’s Banda Machos. A rendition of the classic “El Mechón,” the first statewide hit by ASI/Disa’s Banda MS, is No. 6 on the chart.

“Maybe people are tired of corridos, which are so serious, or songs about, ‘I love you’ or ‘You don’t love me,’” says Pepe Garza, PD of KBUE/KBUA Los Angeles and KQBQ Riverside, Calif. Garza expresses interest in “Aremangala Arempujala” by Los Karkis, whose lead singer’s lightning-fast delivery recalls an auctioneer or a market vendor hawking his wares.

Fonovisa’s Los Potrancos de Sinaloa released an album Jan. 20 with their own version of the song, as well as “La Jaula,” a repetitive entreaty to keep your bottoms on in the ocean because a crab may bite you.

Danceable novelty songs are nothing new to Latin music, particularly in nightclubs. “But now (radio stations) are programming this, and I think it’ll open doors for these groups,” Disa A&R director Humberto Gomez says.

In forming Banda MS, manager/producer Fernando Camacho says he wanted a group that would play down-home party music, including corridos. But the danceable material, besides being easier to promote at some corrido-styled stations in Mexico, is especially popular on morning radio shows. “They use them to wake people up,” Camacho says.

Camacho also produced the jaunty “Jambalaya,” performed by German Lizarraga y Su Banda Estrellas de Sinaloa, which he hopes will break in this fashion. Entravision Radio’s recent launch of an upbeat regional Mexican format, “El Gato,” should provide yet another outlet.

But Garza warns that you have to be really careful with this, because sometimes there are simple things that have a magic—and there are dumb things. “Not all so-called underground hits are genuine, he says, adding that before rushing to add a song, “I like observing what happens in the street and hearing myself on that.”

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Latin Notas
LEILA CORB

Left: JOHN; Above: FONSECA (center) in Pasacaballlos, Colombia, where small businesses get support from Buchanan’s fund-raising.

BIZ
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LATIN AWARDS GET NEW SPONSOR
State Farm Insurance has signed on as the new title sponsor for the Billboard Latin Music Conference & Awards. The awards, which will be held at the Edus Telemundo will air live April 23, are the culmination of the Billboard Latin Music Conference April 19-23 at the Eden Roc in Miami Beach. Confirmed speakers include Gibson Guitar chairman/CEO Henry Juszkiewicz, Latin Recording Academy president Gabriel Abaroa and AEG Live/Goldenvoice VP of Latin talent Rebeca Leon. The conference will also feature a day devoted to Latin urban music on April 20, including super-star Q&A and a panel of top executives. Finalists for the Billboard Latin Music Awards will be announced Feb. 12. For more information, go to billboardlatinconference.com.

SALSA STARS GO ON TOUR
Contemporary salsa stars Gilberto Santa Rosa and Victor Manuelle are going on tour together. The trek, titled “La Historia Continua,” will be produced by Sony Music Latin’s Day 1 Entertainment. La Historia Continua begins Feb. 12 at the ND’s Fuego club at Las Vegas’ Rio Hotel & Casino. Its route includes San Diego; Miami; Los Angeles; San Francisco; Dallas; New York; Atlantic City, N.J.; Washington, D.C.; Houston; San Juan, Puerto Rico; and Santo Domingo, Dominican Republic.

—Ayla Ben-Yehuda

LABELS JOIN HANDS IN MARKETING
Lost Highway and Nacional Records will help market each other’s respective releases by Morrissey and Manu Chao. Nashville-based Lost Highway, which will release Morrissey’s album “Years of Refusal” Feb. 17, will help market Manu Chao’s “La Radiolina,” an album released by Nacional in 2007. In exchange, Los Angeles-based Nacional will help market Morrissey’s album to Latin audiences, which are among the British singer’s most loyal fans. —ABY
Bach Over The Beach

European Classical Holidays Take Off

MANCHESTER, England—Dedicated rock fans have long made vacations out of following their favorite bands on the road. Now European classical fans are booking entire holidays around their chosen genre.

Travel industry executives say that growing numbers of classical fans are exchanging beaches for Berlioz and Bizet, with classical music festival organizers and venues benefiting from increased bookings.

John Whibley, who organizes classical music tours through his U.K.-based John Whibley "Holiday's With Music" agency, says such trips are becoming increasingly popular among members of his target demographic—"comfortably off" tourists over the age of 50.

"People like spending time with those who share a common interest," Whibley says. "Friendships are made on holiday and clients return to see their friends."

In the last 10 years, more than half of Whibley's 1,200-strong client base has taken more than one tour with his firm, with 140 people booking seven or more trips, he says. Whibley runs about 25 high-end tours per year to classical music festivals or events. They range from £775 ($1,086) for a four-night trip to the United Kingdom's Buxton Festival (including four operas, meals and sightseeing) to £1,875 ($2,564) for a six-night trip to the Haydn Festival in Eisenstadt, Germany, which includes four-star hotel accommodations and nightly concerts by the Amsterdam Baroque Orchestra.

Concert venues welcome the guaranteed ticket sales that such tours bring.

"We work together with more than 300 travel agencies and have a very close marketing relationship with [tourist organization] Berlin Tourismus Marketing," says Berlin State Opera head of marketing Sabine Turner. "A third of our audience comes from outside of the city and this is seeing an upward trend.

Most classical music tour operators don't have formal business relationships with venues or festival promoters, preferring to book tickets on an ad-hoc basis.

"Not many [travel operators] want to meet our 15% deposit conditions on tickets. Most prefer to reserve them and pay nearer the time," says Kim Gaynor, managing director of Switzerland's Verbier Festival, one of Whibley's touring destinations.

Gaynor suggests that the Verbier fest itself could soon compete for some of the same tour business.

"Running bespoke packages is something the festival would like to do in the future," she says. "It's a great way of increasing attendance.

But despite their relatively high prices, classical music tours are often less profitable than mainstream tours, according to Nigel Hosking, senior product manager at the U.K. tour operator Cox & Kings.

"You have to pay [for] an expert, musicians and excursions," he says. "We accept that we don't make much profit on them."

Still, Australian classical musician Vivienne Pittendrigh, who founded Chamber Music Holidays and Festivals in 1982, says classical music tour operators like herself are proving to be a growing niche. Her agency, which has offices on the Greek island of Corfu and in Bournemouth, England.
falsely raising the prospect of arresting people and leaving as talking about arresting austere measures. British recorded music body the BPI ANGRY at U.K. MINISTER'S FILE-SHARING STANCE. British recorded-music body the BPI has reacted angrily to reported comments from a U.K. minister in the Times of London about the government’s efforts to involve Internet service providers in the prevention of music piracy. “We can't have a system where we’re talking about arresting teenagers in their bedrooms,” the government’s intellectual property minister David Lammy was quoted as saying. “People can rent a room in a hotel and leave with a bar of soap—there's a huge difference between leaving with a bar of soap and leaving with the television.” British music creators are “sure to be insulted at the analogy between British music and complimentary soap from hotels,” said BPI director of public affairs Richard Mollet. “It shows an incredible lack of understanding of the relationship between music and illegal file-sharing from the minister in charge of intellectual property. We are appalled to see him falsely raising the prospect of arresting people in their bedrooms and fail to see what place this has in the discussion.” — JW

BERGER UPPED AT SONY MUSIC

Edgar Berger has been named CEO of Sony Music Entertainment for Germany, Switzerland and Austria. It is a newly created position that will extend his management oversight to also cover the company’s operations in Switzerland and Austria. He was formerly CEO of Sony Music Entertainment Germany. Berger will remain based in Munich and report to Richard Sanders, president and CEO of Sony Music Entertainment for the U.S. — Chris M. Walsh

OASIS HEADS FOR CHINA

Brit pop band Oasis will tread on Chinese soil for the first time as part of the band's Dig Out Your Soul world tour. The U.K. act, which is currently on tour in Europe, has announced shows at Beijing Capital Gym (April 3) and Shanghai Grand Stage (April 5) alongside the previously announced April 7 date at AsiaWorld Arena in Hong Kong. China’s leading entertainment company, Emma Entertainment—majority owned by Ticketmaster—will promote the dates. Primary Talent International books the band globally. — JW

BRISBANE, Australia—Australia's radio industry insists it's in good shape for the launch of digital radio, despite the format's problems in the United Kingdom.

United under the trade body Commercial Radio Australia, all of the major commercial networks will join national public broadcasters ABC and SBS in the May 1 launch of digital services in Sydney, Melbourne, Brisbane, Adelaide and Perth. Existing FM services will also simulcast digitally while—more importantly for the music industry—insiders predict several new music services will also be available.

"It's going to be a much more effective launch because the whole industry will go together," says Commercial Radio Australia CEO Joan Warner. "We'll all be giving the same message and creating awareness on the air at the same time." That awareness campaign will kick in at the start of March, and most radio groups are playing their cards close to their chest. But Austereo Group of Melbourne, which operates the Today and Triple M national networks, says its new online-only station DAB Radio will be part of the May rollout. It focuses on music from undiscovered artists, primarily Australian ones.

"Digital radio provides us with the opportunity to provide music in new formats," says Austereo head of digital strategy Jeremy Macvean. "There's a desire from a consumer point of view. Early adopters with new technology tend to be the kind of people who seek out new music. They'll be the people drawn to digital radio at the beginning." The United Kingdom’s Digital Audio Broadcasting service began amid similar optimism. But it has struggled to make an impact with listeners and commercial broadcasters have struggled to make money from the format, leading TV broadcaster Channel 4 to drop its plans to move into the sector (billboard.biz, Oct. 10, 2008).

"DAB radio has to carry such strong content to persuade the consumer that it is worth the receiver upgrade," says Mike Walsh, the London-based head of music at modern rock network XFM. Not to worry, insists Commercial Radio Australia’s Warner. "We've learned from their mistakes," she says.

One difference that could be crucial is Australia’s preference for the enhanced DAB+ system, which promises higher-quality sound, greater station capacity and wider use of visual features and click-through services as more sophisticated radio sets hit the market. Startup costs for the DAB+ launch to date come to $55 million Australian ($39 million), according to Commercial Radio Australia. "DAB+ has the potential to open broader formats and more music focus," says Sony Music Australia chairman/CEO Denis Handlin. "We can see the opportunity for channels to play more Australian artists, particularly at the discovery stage." David Vodicka, managing director of Melbourne-based indie Rubber Records, isn't convinced. "This is going to have no real benefit to the independent sector," he says. "Radio just doesn't engage the indies." "Advertisers will not flock to it until there is a critical mass of listeners," Warner says. "Depending on the content, that may be three or five years away. Everybody has always been aware that this will be a cost center."

The Australian appetite for radio is undeniable according to Commercial Radio Australia, 98% of Australians listen to the radio each day and there are an estimated 45 million radio sets in Australian households, more than two for each person. But radio's very ubiquity may be DAB’s problem, according to Stu Watters, CEO of Aussie indie labels association AIR. "I am unconvinced there will be a huge immediate migration from [analog] radio to digital channels," he says. "People, particularly Australians, will not simply dump their old tried-and-tested hardware to adopt a new one."
Safe From Harm?

Labels Test DMCA Protections Of Alleged Copyright Abuses

Just how much does the “safe harbor” exemption of the Digital Millennium Copyright Act (DMCA) protect online entertainment services from copyright infringement claims?

The question lies at the heart of several lawsuits between record labels and digital entertainment services being argued this year as the music industry continues to probe for a weakness in what has proved to be an effective shield against copyright infringement suits.

The DMCA safe harbor clause states that online services can’t be held liable for the copyright infringing activities of their users so long as the services comply with copyright holders’ requests to take down offending content. But the entertainment industry feels these services should be more proactive in filtering copyrighted material, given that they’re profiting from their users’ ability to access content that neither the users nor the services are paying for.

“There tends to be a level of willful blindness on behalf of the service providers,” says Barry Slotnick, a partner at the law firm of Loeb & Loeb in New York. “Clearly, the job of sending takedown notices or filtering is enormous. The ability to do that accurately is going to be a significant task. The fact, however, is that the vast majority of the material that is being made available is copyrighted and you can’t send notices fast enough to stop it all.”

But so far there hasn’t been a single successful legal challenge to the DMCA. The latest victory for DMCA advocates was a Dec. 29 ruling against Universal Music Group in its suit against online video service Veoh.

The label had argued that Veoh’s DMCA-based defense was invalid because the service doesn’t simply host user-generated files but also converts the files into the Flash format, de-structures files into smaller packets and optimizes them for streaming and downloading.

Although a U.S. District Court judge in California ruled in Veoh’s favor, the case is far from over. The UMG request was based on a rather narrow set of technical parameters, and Veoh still needs to show that it meets other requirements of the safe harbor provision. Still, the ruling strengthens the DMCA defense by stating that even activities beyond file hosting are protected under the law.

“The message being sent in the Veoh case is that the DMCA’s safe harbors mean what they say,” says Fee’d von Lohmann, senior intellectual property attorney at the Electronic Frontier Foundation in San Francisco. “The entertainment companies can’t strip you of the safe harbor by arguing under a technicality. It’s a real armor.”

Yet that’s not stopping the entertainment industry from seeking a gap in that armor because these protections are being applied to other music services that they find far more dangerous. Sites like Veoh and YouTube (which is also the subject of a $1 billion lawsuit brought by Viacom) simply host content that their users upload.

But others, including SeeqPod, MP3Tunes and Project Playlist, host nothing. Instead, they link to sources of music hosted by others—in many cases illegally. Not surprisingly, all three find themselves defendants in other lawsuits. And labels and other copyright holders don’t want these services to use the DMCA to escape paying the licensing fees that their authorized competitors do.

“The heart of their complaint is that these kinds of sites shouldn’t be allowed to exist, period,” von Lohmann says. “Basically, they’re offering an on-demand listening solution without paying anybody a penny.”

The music industry is attacking from all sides. In some cases, the industry claims that temporarily downloading part of a song so that it streams effectively is tantamount to making a copy of that song. In others, labels argue that technical manipulation of streams or hosted files makes the service culpable for the transmission of unauthorized work.

It only takes one of these efforts to be successful to set a precedent that could finally weaken the DMCA and allow the music industry to forge ahead with its concerns.

“Should a copyright owner be successful in one of these cases, the safety of the DMCA will be a little more problematic,” Slotnick says. “A victory in one of these cases will create an opening for a real discussion among the parties.”

Getting there soon will be difficult, considering that most copyright suits filed by labels have resulted in settlements, rather than potentially precedent-setting judgments.

Even the possibility of a settlement appears slim in at least two of the ongoing suits. Veoh is riding a wave of success, having prevailed in a previous lawsuit brought by the adult entertainment company Ico Group. And MP3Tunes founder Michael Robertson is showing no signs of backing down in the face of litigation from EMI.

“When you are forced into a settlement at gunpoint, you’re not going to get a reasonable business deal,” Robertson says. “Someone’s going to win and someone’s going to lose.”

And like it or not, that’s what it takes to draw the boundaries in today’s digital music world.

KEY TO THE HIGHWAY

Blaupunkt and milroamer are teaming up to put Internet radio in your car. The Blaupunkt-developed in-dash device will receive not only traditional AM/FM radio broadcasts but also thousands of online channels aggregated through milroamer’s service. It will also save such data as favorite stations, navigation information and contact info. Neither company is talking yet about how the device will stay connected to the Internet while on the road. But they did show off a concept device at the recent International Consumer Electronics Show in Las Vegas this January.

Availability is expected in the second half of this year. Pricing hasn’t been disclosed. —AB

BITS & BRIEFS

CONTINENTAL SHIFT

A new report from Forrester Research says labels doing business in Europe should focus on licensing music to digital music services that offer music free to consumers. Such licensing is expected to generate $1.2 billion ($1.6 billion in Europe alone by 2013. The study points to social networks as a key driver. “The music industry is not dying, but the way in which it does business is changing irrevocably,” lead analyst Mark Muligan said in a statement detailing the report. “Every industry stakeholder—the record companies, consumer electronics manufacturers, telecommunications service providers—and retailers—must get out of their comfort zone and change their strategy in order to grab a piece of a smaller, yet more complex, European music market.”

EMBRACING ISPs

A survey conducted by European analyst firm Music Ally in the United Kingdom, the United States and France suggests that Internet service providers top the list of preferred providers of music services. When asked to choose from a variety of possible music providers, 46% of respondents picked ISPs as their first choice, compared with 10% who chose cable/satellite TV providers and 5% who chose wireless carriers. Another 64% of those surveyed said they would stop using peer-to-peer file-sharing services if they received a warning letter from their ISP. That number rose to 76% if more serious sanctions like the prospect of losing Internet access were threatened.

ONLINE LOCKER

RoyaltyShare introduced a new service aimed at helping independent labels organize, store and manage such digital assets as metadata, music files and images. The Web-based service, called Digital Asset Storage and Management, costs 10 cents per track, per month.
Nathan Hubbard has spent the past year gearing up for what may be the biggest challenge of his career. 

Actually, make that two challenges: 1) launch what will soon become the world’s second-largest ticketing company; and 2) begin the process of transferring the inventory of the world’s largest live-event promoter to the new ticketing platform. So far, so good.

As CEO of Live Nation’s ticketing unit, Hubbard oversees the company’s e-commerce and ticketing, and he’s been with Live Nation since 2006 when it acquired Musictoday, where he had been tapped by founder Coran Capshaw to run the company’s primary ticketing system.

Hubbard’s experience supervising that business as well as Musictoday’s direct-to-fan e-commerce operations have come in handy as he oversees the launch of Live Nation’s ticketing division following the promotion giant’s much-publicized split last year from Ticketmaster. Not only will Live Nation Ticketing service the company’s own clubs and amphitheaters, it will also provide ticketing services for third-party venues and has entered a ticketing partnership with leading venue management firm SMG.

Given the narrow margins of the concert promotion business, Live Nation wants to develop new revenue streams through its ticketing business. As the company’s ticketing platform evolves, Hubbard and Live Nation Ticketing are charting a course that will alter the company’s future and possibly even change the way fans buy tickets.

How’s the ticketing business?

It’s holding up. We just underwent the largest ticketing migration in the history of the business and we’re still standing. We’re not taking any victory laps yet, but we feel really good about the system we have in place and we feel really good about the sales. We’ve put some big shows on the system and it has held up very well. Our objective was to try to replace what we had and get to par, and then from there we could really start to innovate and use this platform to change the industry.

What have you learned in the ramp-up of Live Nation Ticketing?

You really get underneath and understand what a complex e-commerce challenge e-ticketing is. It’s not like selling something on eBay or an airline or hotel ticket. You’ve got 500,000 people who want 5,000 pieces of inventory that are all unique and that all go on sale at the same time at 10 a.m. on a Saturday morning. That is a very difficult, complicated challenge. The last year for us has been about not yet reinventing the wheel but building a wheel that looks about the same so we can figure out how to take it apart and put it back together again.

Is the Saturday morning on-sale model going to be relevant for the future?

I don’t think so. I think Saturday at 10 a.m. is not the best time to put tickets on sale. It’s a legacy of a time when people were working and couldn’t go to their retail outlets or pick up the phone and call. One of the things we’re going to do is attack the notion of a 10 a.m. Saturday on-sale and that first-come, first-served approach to getting tickets, only because that isn’t always the most equitable way to get the right ticket at the right price in the hands of the right fan.

Where are you now in terms of converting to your own ticketing system?

We have 80 venues converted now. All of our amphitheaters are flipped over. We sold out the Dead at Shoreline [Amphitheatre in Mountain View, Calif.], we’ve put Dave Matthews shows on sale, we’ve put some big Killers shows on sale. We’ve sold thousands and thousands of tickets, with heavy pressure on sales.

Are you progressing in terms of third-party venues?

We are. We see a lot of opportunity out there. Right now we’re focused on our biggest client, Live Nation, but we have Roseland Ballroom [in New York] and Musictoday services John Paul Jones Arena [in Charlottesville, Va.], and we have some SMG venues in the not-too-distant future that we’re working with.

How is the Live Nation Ticketing model similar to existing models in terms of rebates to venues, service fees, etc.?

The good news is we have complete flexibility. You’ll see us test a variety of different fee presentations and customer experiences and the like on our own venues. From a third-party venue standpoint, if what they want is a traditional ticketing system and the same way it’s always been done, we can work that way. If they want to work in a licencing or different way, we can work that way.

In a best-case scenario, would you prefer an all-in pricing model? All the data we have tells us that is what the fan would like us to do. The fan wants transparency, he wants to know upfront what the value of that ticket is.

 Arenas have come to be dependent on ticket rebate revenue received from their ticketing company.

You can’t look at each fee or ticket price in a vacuum. The right conversation to have is: What’s the total pie and what is each party in the value chain entitled to? We’re trying to bring some transparency to what the fan is paying overall and how that money should be divided by the artist, the promoter, the venue and the ticketer and all of the other parties in the value chain.

The fan wants transparency, he wants to know upfront what the value of that ticket is.
FLEET FOXES ARE TAKING INDIE ROCK BACK TO THE COUNTRY—AND THE COUNTRY IS LISTENING BY JONATHAN COHEN AND CORTNEY HARDING PHOTOGRAPH BY JÖRG GRUNEBERG

Flush with the success of a debut album, many bands favor bigger budgets or slicker studios for their next project. Fleet Foxes think differently. The Seattle-based group plans to record the follow-up to its 2008 self-titled Sub Pop debut in a rented farmhouse on five acres of cleared land in Port Townsend, Wash., a quaint peninsula across the Puget Sound from Seattle. To expand their sonic palette, Fleet Foxes may also roll tape in a chapel, a theater and a 200-foot-deep water-supply chamber (with 45 seconds of natural reverb) on an old military base nearby.

It's a fitting setting for a band whose debut is rife with pastoral imagery (soothing hummingbirds, the Blue Ridge Mountains and white snow turning "as red as strawberries"), intricate harmonies and plaintive acoustic storytelling.

The album put Fleet Foxes at the head of a new school of folk-rock bands inspired by the organic approach to songcraft made famous by the Band and Crosby, Stills, Nash & Young. And the group hopes that its Port Townsend house will provide a place to harness its creativity away from the distractions of the city in the same way Big Pink in upstate New York did for the Band.

Several other artists have joined Fleet Foxes out in the woods, writing and recording in the kind of country settings their songs conjure. Among them are Bon Iver, whose slavishly praised 2008 Jagajuguar debut, "For Emma, Forever Ago," was recorded in a tiny cabin in rural Wisconsin; Ray LaMontagne, whose spartan sound echoes his reclusive life in Maine; and Iron & Wine, whose sincere songwriting has connected with listeners to the tune of 885,000 albums sold in the past six years, according to Nielsen SoundScan.

Even Crosby, Stills & Nash are getting back into the act: The trio signed to Columbia and is recording a covers album with Rick Rubin. "Rick wants to do an album of all the songs we love," Graham Nash says. "All the songs we wish we've written."

Getting back to the country is hot again, at least by the modest commercial standards of indie rock. On Jan. 20, Fleet Foxes and Bon Iver were in the top 10 of iTunes' alternative chart, prompting Fleet frontman Robin Pecknold to write on the band's MySpace blog, "Life is rad and weird."

Fleet Foxes are the first to admit surprise at having captured the ear of the world with this kind of music. Their debut, released last June, has sold 211,000 copies in the United States, according to Nielsen SoundScan, and another 141,000 in the United Kingdom, according to the Official Charts Co. The album topped numerous 2008 year-end critics' polls, including Billboard, Pitchfork and Stereogum.

After the Foxes' Jan. 17 appearance on "Saturday Night Live," the album's sales jumped 32%, and it's up another 38% this week to a career-best No. 16 on the Billboard 200. "We just like making music together and would do it regardless," guitarist Skyler Skjelset says. "We'd still be making these records whether they sold or not."

For Skjelset and Pecknold, who are both 22, it was friendship first and music second. The pair met in seventh grade but didn't begin playing together until 2005, by which point Pecknold had recorded "three EPs of Elliott Smith-sounding acoustic guitar music."
On a demo EP recorded the following year with producer Phil Ek (Built to Spill, the Shins) and self-released locally, the band's music shifted into melodic rock with shades of Love and the Shins. Pecknold's sister Aja served as the group's early ambassador and, later, quit a job as a music journalist for Seattle Weekly to manage Fleet Foxes full-time once important personalities in the city's close-knit music scene began to take notice.

"I always trusted Aja's taste, but I also knew how close the siblings in that family are," says Cheryl Waters, a DJ at triple A KEXP Seattle. "But then the buzz really started about Fleet Foxes. I went to one of their shows and I thought, 'Wow, she was right.' They had come out of nowhere and emerged as a full-form band."

Waters immediately asked for music to start playing on KEXP, only to be told there was none available, since Pecknold and his brother Sean couldn't press the EPs fast enough. So she booked the band to play KEXP's lounge at the Bumbershoot music festival in 2007 and broadcast the session. At that gig, Sub Pop founder/president Jonathan Poneman saw the band for the first time.

"Seattle has an unusually sophisticated infrastructure with regard to music promotion," Poneman says. "We've got KEXP, two weeklies and a great group of independent record stores, and a band can easily whip up a frenzy."

By the fall of 2007, Fleet Foxes were back in the studio with Ek working on a full-length album and honing a rootsier sound, with key input coming from new bassist Christian Wargo and keyboardist Casey Wescott, both Seattle scene veterans. (Josh Tillman, a Seattle singer/songwriter with six albums to his credit, joined Fleet Foxes on drums after the debut was completed.)

"A lot of elements from the demo EP are there, but they're slowed down or given a little more space," Pecknold says. "I love doing melodic stuff with guitars and piano. It's cool to have intricate leads that are melodies in their own right, outside the vocals."

Major labels and big indices had made their pitches, but the band opted to sign with Sub Pop thanks to the trust it had built with Poneman, director of A&R Sue Busch and head of publicity Kate Jackson.

"We knew enough about the business that we knew immediately who was not in it for the right reasons or offering something that wasn't as revolutionary as they were saying," Pecknold says. "We mainly just wanted the record to come out.

"Fleet Foxes" was recorded without funding from Sub Pop and handed in to the label in finished form. The release schedule prevented it from coming out until June, "so we had them go back and record an EP to take with them" on their first North American tour supporting labelmate Blitzen Trapper, Poneman says. The resulting "Sun Giant" EP was intended to be available only at shows, but it quickly sold out of its first 1,000-copy pressing. Sub Pop made it available on its Web site and then at retail through Alternative Distribution Alliance; it has sold 40,000 copies, according to Nielsen SoundScan.

The band then exploded into the hearts of bloggers at South
by Southwest (SXXSW) last March. “Everyone was there, and the exposure people had been talking about became a reality,” Aja Pecknold says. “It was a perfect storm of timing and it allowed people from all over to see their live show, which is what made them so big in Seattle to begin with.”

And while the Internet immediately lit up with superlatives, “the day-to-day experience was a slog. Everything felt inessential because we would immediately have to do something else,” Robin Pecknold says. “We woke up at eight in the morning after the Sub Pop showcase to play this NME thing and there were four people there. It was miasmic.”

When the Bizniz Trapper tour resumed, Fleet Foxes saw firsthand the impact of post-SXXSW word-of-mouth. And the debut had leaked online, looking listeners who’d only heard tracks from the tour EP.

“That became very obvious by the end of the tour, because people were singing along,” Pecknold says. “Some audiences would leave after we played, which was not tight to me, at all.”

Like Iron & Wine and Bon Iver, Fleet Foxes couldn’t rely on much commercial radio support, so touring was the driving force in Sub Pop’s promotional campaign as the debut neared official release. By August, the band was playing 500-capacity clubs. By August, it was opening a handful of West Coast dates for Wilco and sharing the stage with the Chicago group on a cover of the Band’s “I Shall Be Released.”

“Fleet Foxes” was released June 3 and debuted at No. 86 on the Billboard 200 after selling 8,000 copies. It was Sub Pop’s second-biggest opening-week total of the year, behind only Flight of the Conchords’ self-titled debut, which sold 18,000 units in late April.

“This is a band that collided with the zeitgeist,” Poneman says. “There is no way to really explain their ascent. Are they talented? Of course. But there are plenty of talented bands who never make it. They are not only a great band but a perfect fit for the time.”

‘THIS BAND COLLIDED WITH THE ZEITGEIST. THEY ARE NOT ONLY A GREAT BAND BUT A PERFECT FIT FOR THE TIME.’

—JONATHAN PONEMAN, SUB POP

The label was besieged by synch opportunities, but the band turned all but one of them down, including a six-figure offer from an international financial institution to use the song “White Winter Hymnal” in an ad, which was declined for ideological reasons.

“I get that record sales are down and bands need to make a certain amount of money, but you don’t need that much money,” Pecknold says. (The group did license “Hymnal” to the World Wildlife Fund for a commercial in Australia and is considering synching “Tiger Mountain Peasant Song” for the upcoming film “The Greatest,” starring Susan Sarandon and Pierce Brosnan.)

To be sure, the band didn’t turn its back on opportunities to work with corporations. Timothy Jones, the content manager at Starbucks, saw Fleet Foxes play at Sub Pop’s 20th-anniversary party last July and was immediately struck. He added songs from the album to Starbucks when they debuted in-store programming and included “Fleet Foxes” in a promotion where four albums are sold every month in all outlets. “This is a band that appealed to a huge variety of people,” Jones says. “A lot of the baristas really liked them, and they took on the role of advocates for the band.”

The first week that Starbucks sales were factored in, the album rocketed 163-67 on a 149% increase to 9,000. “The cross-generational appeal of this band is key to their success,” says Sub Pop VP of sales/director of marketing Andy Kvotitz. KXMP’s Waver adds that Fleet Foxes’ sound attracts “both people who read Pitchfork and their parents.”

Reaching a diverse audience also means drawing people who can potentially pay more for tickets, says Trey Many of Billions, who books the band. “We want to make sure that the kids who’ve loved the band since day one can still come see them, as well as people who think a $28 ticket is cheap,” he says, noting that older and more rural fans might lead to a broader tour route when Fleet Foxes embark on their next major tour in 2010.

The band’s all-ages appeal also became key to its success in the United Kingdom. Simon Raymonde, president of U.K. record company Bella Union, says he knew the group would “change his life” the first time he heard its music on its MySpace page. After making a deal with the band in November 2007, Bella Union worked closely with Sub Pop to mirror the timing of the project in the United States.

“The press for the band was very strong,” he says. “When we first brought them over in May, they sold out 800-capacity venues U.L.U. without even having a record out. When I looked at the crowd, I saw a man in his 60s in front of me, some indie kids to one side and a couple in their mid-30s on the other side.”

The cherry on top of 2008 was the band’s impressive showing in international critic polls, which made “Fleet Foxes” an in-demand holiday gift. U.S. sales hit a new high of 15,000 the week of Dec. 28. At “Saturday Night Live,” band members didn’t know how to respond when cast members like Fred Armisen and Andy Samberg went to the studio early to watch them rehearse. With their beaming girlfrendends in tow, they chatted with the actors into the wee hours at that week’s wrap party at a Midtown Mexican restaurant.

Now, other than four European shows in February and a handful of high-profile festival appearances—including one at Coachella—the band is essentially done promoting the debut. But Pecknold knows expectations are already high for the next album, which he hopes to finish by October and have out early next year. Recently, he had to stop himself from reading blogs about Fleet Foxes after seeing some negative comments on Stereogum, which says he sent him into a temporary “shane spiral.”

So far, he has 18 songs in various forms of completion after a writing session last summer at his grandparents’ cabin on Washington’s Wenatchee River, and he says it will “definitely be different” than the debut. The members’ next step will be getting along with this music in Port Townsend, in much the way bands from decades ago would escape the city. “It’s amazing what has happened,” Pecknold says. “But I can’t help but sometimes doubt why it has happened. In a lot of ways I wish it would have happened later. The solace is, when I did all the demos, all the pressure melted away.”

FARM FRESH

FOUR ACTS HARVESTING FOLK ROCK SUCCESS

IRON & WINE

Sam Beams leads this group, which has shifted from sparse, mostly acoustic material to Postal Service covers to recent albums touching on psychedelia and African high-life music.


RAY LaMONTAGNE

Formerly employed at a shoe factory and as a carpenter, Ray LaMontagne records raspy, unadorned folk from his home base on a farm in rural Maine. Live performances conducted in near darkness have not curtailed his audience.


BON IVER

Justin Vernon records as Bon Iver, a play on the French words for “good winter.” He turned the breakups of a band and a relationship into a sad, spare collection of songs recorded in a Wisconsin cabin.

LATEST ALBUM: “For Emma, Forever Ago,” Jagajuguwa, 2008

LATEST ALBUM: “BLOOD BANK,” debut at a career-best no. 16 on the Billboard 200 this week. Vernon is recording a new album this spring, to be followed by summer U.K. festival dates.

MY MORNING JACKET

The group now straddles like Metallica and slays festival crowds. But on its first two albums for the tiny indie Duria, it was all about reverb-drenched acoustic rock that evoked its Kentucky origins.


PLANS FOR 2009: Considering select touring; frontman Jim James is recording an album with an Atlanta band with Conor Oberst, Mike Mogis and M. Ward that could be out before year’s end.

—JC and CH

www.americanradiohistory.com
LATIN INDIES ARE THRIVING BY FOCUSING ON LOCAL MARKETS

BY LEILA COBO
ONCE UPON A TIME, Peruvian artist Gian Marco was a fledgling songwriter with a knack for weaving evocative, immediately recognizable melodies around words both poetic and colloquial. He caught the ear of Gloria and Emilio Estefan, who recruited him into their stable of songwriters and eventually signed him to their label, Crescent Moon Records, a joint venture with Sony.

Gian Marco was widely acclaimed as a singer/songwriter during his major-label tenure. But when Latin music sales began to dip, Crescent Moon closed and he lost his Sony contract. Now he’s found his footing again, on his own indie label, Peru-based Caracola Records. “He was at a major and that exercise gave us a lot of insight on how to run a new operation,” says Marco’s manager, Mauricio Aburto. “At the end of the day, what prevails is the power of a song. We’ve never sold as many albums as we have now.”

Fueled by major labels’ shrinking presence in many countries and by the seismic shifts in the music industry in general, small indie labels are sprouting en masse in Latin America. Many are one-man shows that are launched, owned and handled by individual acts who need a CD for promotional purposes.

And while their economic contribution to the business in general isn’t significant—successful local sales can translate to 3,000 copies in some markets—these operations stimulate the development of local music, particularly in countries where piracy has almost completely wiped out legal music sales.

In Marco’s Peru, for example, where IFPI estimates that 98% of all music sold is pirated, local music retailer Phantom Music opened three new stores last year, and its new music label will release its first act in the spring.

“Before I came to work here, I thought the music industry was done,” says Phantom’s press director, Valeria Moscoso. “But the opposite is true. Obviously, we don’t command the numbers that big markets do, but it isn’t negligible either.”

Phantom’s top-selling album last year was Marco’s “Desde Adentro,” which sold 5,500 copies in Phantom stores—and 30,000 nationwide, Marco says. It was followed by Bareto, a Peruvian cumbia act that sold 3,400 units on Phantom in five months. In 2007, the chain’s top-selling album was another local artist, Juan Diego Flores, whose “Sentimiento Latino” sold 1,700 copies.

The notion of creating labels to expose and promote local product is one that transcends countries. It sounds quixotic, but it can work. Peru has a thriving local cumbia scene that dominates concert and radio airplay. CD sales are the least profitable component, but they give fans a product to purchase.

In Argentina, where the record industry has grown in the past six years following the country’s 2001 recession, there is an abundance of talent stymied by the expensive process of marketing and promotion. “Before, you shot 10 cartridges, you missed seven, but you hit three, and those three gave you enough to pay everybody,” says Roberto Pumar, the president/owner of indie Leader Music, which has released a broad catalog in its 25 years of existence.

Leader releases some 50 titles per month, including albums, music DVDs and films, but it also has nine exclusive artists signed to its roster. “Today, the [industry doesn’t] allow us to close the circle between hits and misses. So we’re far more careful with national artists,” Pumar says.

Leader’s current success stories include D-Mente, the former lead singer of trash metal band A.N.I.M.A.L., which had a following throughout Latin America. When D-Mente left the band, he recorded a first album on his own and took it to Leader. Pumar agreed to release the set and, pending the level of sales, pick up D-Mente for a second album. After selling 5,000 copies and proving his showmanship, he is now signed as an artist.

Indeed, Pumar says, “If multinationals or big companies were signing large quantities of artists, the possibilities for small labels would be harder. But now, there’s opportunity.”

Digital sales have also opened doors for buyers to get to know and purchase music they would not have had access to before. The next step, Pumar says, is investing in marketing, promotion and, of course, generating sales.

As daunting as this may be for artists going at it alone—like Robin Hood, in Pumar’s words—it hasn’t been a deterrent for creativity. The Gardel Awards, Argentina’s annual record industry honors for domestically released albums, are dominated by indie acts. Some years ago, 60% of finalists were major releases, while today, says Pumar, who is a member of Argentine record producers’ organization CAPIF, 70% of finalists come from indie labels.

Within the growing Argentine market, indie labels accounted for about one-fifth of total music sales in the first half of 2007, holding steady from first-half 2006, according to CAPIF.

CAPIF did not break out indie sales before 2007 because too few labels reported their numbers to the trade group. Today, CAPIF monitors sales from 29 indies and the four majors. Pumar estimates there are some 100 indie labels operating, and there is even a Union of Independent Record Producers.

Brazil, too, has an independent music trade group, the Brazilian Assn. of Independent Music, which has some 140 members, up from 65 three years ago, according to board member Carlos de Andrade.

De Andrade owns Vision and its digital arm, Vision Digital, whose focus is classical, instrumental and jazz music. Like many indie labels, both new and established, de Andrade’s business model is a departure from the norm—instead of signing new acts, he records specific projects and pays artists as a work for hire. Much of his record sales come from exports and international licenses, as de Andrade’s business license is as a producer and audio engineer who owns recording studios; he’s able to use his facilities to lower costs. “I break even with the label,” de Andrade says. “We are not built on the basis of making money, but on the principle of creating something sustainable that can provide an outlet for the development of Brazilian artists.”

In Argentina, one of the country’s leading indies, Epsa Music, which specializes in the country’s traditional music, became profitable in 2003, almost 10 years after it was founded. In the meantime, the label was subsidized by parent company Epsa, which manufactures CDs.

The label stuck with traditional Argentine music precisely because it was less commercial, president Laura Tesoreiro says. “We think it has to do with the identity of a country and the identity of a region. There must be companies that are dedicated to that; to registering what happens in a country.”

In Venezuela, 2-year-old label Cacao Musica also was created specifically to promote Venezuelan music. The label is...
A partnership between Venezuelan businessman Omar Jean- ton, who also owns three radio stations, and New York Yankee's outfielder Bobby Abreu. The label has 30 acts—27 of which are Venezuelans—that record a wide gamut of music, from sophisticated jazz to folkloric and commercial tropical music. "My father's vision was always to let the world know what's in Venezuela," says Andres Jean ton, who runs Cacao's operations in Miami.

Like Epsa, Vision and Leader, many of Cacao's albums target a more sophisticated consumer who might not buy a bootleg CD on the street. As a result, album art, packaging and liner notes are a priority.

For example, Latin Recording Academy president Gabriel Abaroa says that at the Latin Grammy Awards, indie stands out because their marketing, art and packaging are often more sophisticated and aggressive. "What has changed is not so much the numbers—although we now see more independents—but the way they interact," Abaroa says. "Indies do exceptional work in packaging, for example, and in video, where they possibly compensate for lower budgets with greater creativity."

But labels don't subscribe to the notion that art alone, and indies—particularly those that are new and don't have a catalog or a financial backer to support them—are looking for creative ways to make a profit. While some of the more established and older indies don't always go for full 360 deals—after all, they have catalog to support them—many of the newer ones do.

In Colombia, former EMI Colombia president Alvaro Rizo launched his own label, Insight A&R, and has built it since last year as a 360 concept. The label's objective, he says, is "to offer an artist an integral development that includes the label, publishing, management and booking for new acts."

Insight's first release is Makoto, a Japanese-Colombian singer/songwriter who plays energetic pop rock and sings in English and Spanish. A first single, "Te Olvídais," is in rotation on Colombia's main radio stations.

A different approach was taken by Gian Marco's manager, Mauricio Abrao (Gabriel Abrao's brother), who last year also launched a new label, e35, which is separate from Gian Marco's Caracolito Records.

e35 is a partnership between Tiger Management—a company created by Abrao and partner Hector Mijangos, owner of indie NoiseLab—and Grupo Carso, the retail company that belongs to Mexican billionaire Carlos Slim, whose assets include music retailers Sanborns and Mix Up.

e35 has five pop and alternative acts, including Karena, Niaha Dios and Gian Marco for outside of Peru. It is so named because artists receive 35% of all net income related to music sales. Artists come to e35 with their finished product, including video and photographs, and e35 provides pressing, and, most important, a direct pipeline to retail through Grupo Carso's stores.

Because Grupo Carso is a partner, key positioning is possible. And because therearen't any advances and very little operational overhead, costs are kept low. e35's product retails for approximately half of what a major front-line release costs, offering another incentive to purchase albums.

For booking and management, e35 charges a standard management percentage and, for publishing, a commission for administering catalog. Having the Grupo Carso link gives Abrao plenty of clout to work with, and that, he says, is key. "If we didn't have Grupo Carso, we'd look for another type of alliance," he says. "I've worked independently for five years and I know the industry in general is looking for a new business model. e35 is an example of that. It gives the artist an opportunity to be part of the model and because they also invest, they are personally vested in its success."

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Solo, With Soul
Black Keys' Auerbach Caps Banner Year With Nonesuch Debut

The year of the ox is already shaping up to be more like the year of Dan Auerbach. In 2008, the album "Attack & Release" gave his band the Black Keys their best seller of their career; his protégé Jessica Lee Mayfield garnered a heap of critical praise; and his tireless attention to detail, extensive musical knowledge and audiophile studio Akron Analog turned him into an in-demand producer. He also launched his own label, Polymer Sounds, its name a nod to Akron's switch from rubber capital of the world to becoming a hub for plastics research.

Now Auerbach is launching yet another ambitious venture, his debut solo album. Due Feb. 10 from Nonesuch, "Keep It Hid" was recorded start-stop during a two-year period with a rotating cast of musicians that included Mayfield, Auerbach's uncle James Quine and fellow Ohio musician Bob Cesare.

Although Auerbach usually barters out Black Keys albums in short bursts with drummer Patrick Carney, the band's extensive tour schedule allowed him only sporadic opportunities to lay down the solo tracks. "I never had the free time before," Auerbach says. "It's been constant. If I wasn't on the road, I was in the studio."

But last fall, with the Black Keys temporarily recharging in Akron, "Keep It Hid" came together.

Choosing this moment to release a solo record was unintentionally strategic, according to Nonesuch senior VP of A&R David Bither. "We didn't know he had been working on this music at home, but when we heard it, we were so impressed that we agreed immediately that we wanted to release it," he says.

The timing is fortuitous for fans of the Black Keys eager for more tunes, and, Bither hopes, it will show them another side of Auerbach while simultaneously extending his appeal. "Our hopes for the record are simply that it reach an audience—both Black Keys fans and beyond—and reveals to that audience another facet of what Dan is capable of as a creative musician and producer."

Plus, with "Attack & Release" having sold 153,000 copies in the United States, according to Nielsen SoundScan, the Keys' "fan base is larger than ever," Bither says. "Dan's record shares DNA with the Keys even as it ventures into territory that the band would not visit."

Indeed, while songs like "The Prowl" and "Heartbroken, in Disrepair" wouldn't sound out of place on a Black Keys album, Auerbach explores new sounds on the British Invasion rerev "My Last Mistake", the genial, acoustic "Goin' Home"; and "When the Night Comes," a sparse lament that sounds like it was recorded at three in the morning.

To ensure fans connect Auerbach's name with his work with the Black Keys, Nonesuch has booked the artist for large-scale print media features and broad online coverage, including listening parties. A video for the album's opening acoustic track, "Trouble Weighs a Ton," premieres online this week.

With the Keys returning to the studio in April to record their sixth full-length, it may be a while before Auerbach gets around to another solo record. But he feels like this year will be one of the most creative periods of his life so far. "I've got my own studio and I think Pat and I are a little more controlled on how much we are on the road, so I think I have more free time to do this kind of thing," he says. "It's work and it's tiring but it's always so much fun. It's so fulfilling."
LATEST BUZZ

ROCK, HIS WAY
Lil Wayne has announced a tentative April 7 release date for his next album, "Rebirth," a Universal representative confirms. The first single "Prom Queen," produced by Infamous and Drew Droeza ("Mr. Carter"), debuted Jan. 27 on Wayne's MySpace page and Jan. 28 on Facebook as part of a pact between Wayne and AT&T. Contrary to previous reports, the rock-inspired "Rebirth" will not be the next installment in the "The Carter" series or related to any previous album Wayne has released.

IDOL WORSHIP
Former "American Idol" star Katharine McPhee has signed a new deal with Verve. The artist is recording her debut album, due before year's end. McPhee released a lone self-titled album for RCA in late 2006, which has sold 375,000 copies in the United States, according to Nielsen SoundScan. Since then she's dabbled in acting, including a role in the 2008 comedy "The House Bunny.

KEEPING THE FAITH
Marianne Faithfull is surrounded by top-notch collaborators on the album "Easy Come, Easy Go," due March 17 from Decca. The Hal Willner-produced project features covers of Morrissey's "Disappointed," "Beds are Burning," "C'mon Neil," and "What's a Girl to Do" and the Decemberists' "Crane Wife 3." Cat Power and Sean Lennon guest on the Case cover, while Nick Cave joins in on the Decemberists song. The set also includes a take on Merle Haggard's "Sing Me Back Home" featuring Keith Richards.

PACK IT UP, PACK IT IN
Los Angeles-based rock act the Soft Pack has signed to Kemado Records. The band previously known as the Muslims was heavily courted by labels after last year's CHU Music Marathon. In between heavy bouts of touring this spring, the Soft Pack will record its debut album, which hopes it will be out by the end of the year.

BY MICHAEL D. AYERS

EXTENDED ‘MARCH’
Double-EP Set Shows New Sides Of Beirut

To support his band's 2007 sophomore album, "The Flying Club Cup," Beirut frontman Condon headlined out on a world tour. It didn't go exactly as planned.

"It was so long and I started to realize I wasn't touring for the music," he says. "I was touring for the career, and I started getting really cynical about my situation." So he called the trek off, knowing the decision could have stalled Beirut’s momentum. The group came out of nowhere with 2006’s "Gulag Orkestar," lighting up the blogosphere with praise and selling 79,000 copies in the United States, according to Nielsen SoundScan. "Club Cup" has done almost as well, having shifted 78,000.

"It had been a while since I'd written a song, and I felt like I was starting to lose touch with it," Condon says. That need for songwriting became adventurous, both geographically and personally, and spawned two new EPs. "March of the Zapotec" and "Holland" arrived Feb. 17 from Pompeii/Ba Da Bing Records in a double-set sold together.

While Condon has made a name for himself thanks to his eastern European-influenced rock, for "March of the Zapotec" he retreated to a remote village in Mexico, outside Oaxaca. There he worked with a 19-piece group called the Jimenez Band, which is typically booked for funerals and school rallies. "They have a very specific style that takes from European philharmonic bands, but they've given it a sloppy, melancholy feel," he says.

Condon wrote material with the idea that it would be filtered through this new group. But when he arrived, portable studio in tow (including a solar-powered battery system), he found himself having to notate every piece in order for it to be recorded. ("They're not ones for improv," he says.)

The artists wound up with six tracks that make fine use of Condon's deep, brooding voice and the larger horn section. "Holland" is also a departure, in that it is made up of home recordings of Condon's early electronic work from his Beirut days, including a groovy five-minute instrumental. "I'd released one of those songs on a compilation a while back, and it got a good response from it," he says. "It's really a bonus disc, more than anything.


This time around, this simultaneous release and the bundled aspect presents a unique set of challenges for Ba Da Bing. "Together they are the length of a regular album. And yet, they are not a new album, since they're two separate and distinct ideas," label owner Ben Goldberg says. In an effort to steer would-be digital customers to both sets of music, Ba Da Bing plans to list the releases under the name "March of the Zapotec."

"Our goal with this release is to show that while the band may go down different paths and alleyways, it's always going to sound like Beirut," Goldberg says.

So as not to burn out on touring again, Beirut will play a handful of shows this spring, including a two-night stand at the Brooklyn Academy of Music and a run in Mexico City. The band will also begin work on a new album in the coming months. Condon says, "I feel like I focus myself by doing what we just did."

BY JILL MENGE

HEARING VOICES
Melinda Doolittle Finds Her Post-'Idol' Footing

For former "American Idol" contestant Melinda Doolittle, the tables have turned. The season-six third-place finalist, who began her career as a backup singer for Aaron Neville, Michael McDonald and Belle and Sebastian, has now drafted backup singers of her own as she records a band to tour behind "Coming Back to You," due Feb. 5 from Hi-Fi Recordings.

"That's probably the most exciting part right now," Doolittle says. "I can't wait to do live shows to support this CD.

Doolittle brought that love of performing into the studio for "Coming Back," produced by Mike Mangini (Joss Stone, Jonas Brothers). The repertoire took shape after MPA/Hi-Fi Recordings president/COO John Titta presented Doolittle with a long list of songs. "I was like, 'Can I sing every single one? Can we put them all on the record?'" Doolittle recalls.

The songs are a throwback to classic soul and R&B artists like Gladys Knight and Patti LaBelle, filled with bright horn bursts, doo-wop choruses and bluesy stylings, including the Tina Turner-esque "Declaration of Love" and the sassy blues standard "Dust My Broom." Faith Hill's "If I'm Not in Love"

GLOBAL PULSE
EDITED BY TOM FERGUSON

GREAT WHITE HOPEs
After a year of planning, recording and development, London-based alternative rockers White Lies are facing up to a hard truth: Their feet will barely touch the ground in 2009.

"They've got 18 months of running around the globe to come—which sounds like fun for three young lads," says Fiction Records head Jim Chancellor, who signed the group last year.

The trio's first album, "To Lose My Life," was released Jan. 19 in the United Kingdom, entering the Official Charts Co. album chart at No. 1 the following week. It will receive a staggered worldwide rollout, landing in the United States March 17 on Geffen. The band will perform at South by Southwest to coincide with the release, with an appearance at the Coachella Festival and additional U.S. shows—booked

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Honest faces: WHITE LIES
and Johnny Mathis’ “The Best of Everything,” which showcases Doolittle’s powerhouse vocals.

The first single, “It’s Your Love,” is going for adds at adult top 40, urban and top 40, though the song has been circulating among stations since November. According to Hi-Fi Recordings marketing director Daniel Savage, aggressive outreach has been done on the online and TV fronts, including with AOL, which will host a listening party the week of the release.

The album’s street date comes shortly after a new season of “American Idol” began on Fox, and Savage says discussions are under way about having Doolittle make an appearance. He adds that although playing up her connection to the reality show helps mobilize the “Idol” fan base, she feels the album is diverse enough to reach a broader audience.

Titta agrees: “I think she will get a lot of new fans from the record. There’s nothing she can’t sing. She really has a great sense of history of music, and I think that’s the difference [between her and past contestants].”

Though it’s been a couple of years since Doolittle’s run on the show, where many felt she met her fate too soon behind Blake Lewis and winner Jordin Sparks, Doolittle says she has maintained a strong following. (A 2007 self-titled digital EP has sold 4,000 copies in the United States, according to Nielsen SoundScan.)

One of her biggest supporters is a club of fans who dub themselves “Melinda’s Backups,” who frequently donate to a charity she actively supports, Malaria No More. “They’re doing things that are close to my heart, which is such an honor for me,” she says. “I feel like hopefully this record is just kind of giving back and saying, ‘Thank you for making this experience so great.’”

by High Road Touring—to be confirmed.

“We can do very well in America,” Chancellor says. “They blend Joy Division-style dark imagery with stadium rock sounds. And it’s not a pastiche, but a perfect amalgamation.”

The band is performing on the U.K. NME Awards tour, with European dates and U.K. arena shows opening for Snow Patrol to follow, booked by Heiter Skater. White Lies’ publishing is by Chrysalis.

—Steve Adams

**THE EMPIRE STRIKES BACK**

Australian electropop duo Empire of the Sun has emerged as one of the most hotly touted bands for 2009. Made up of Luke Steele from alternative rock band the Sleepy Jackson and Nick Littlemore from electronic act Pnau, its dreamy title track “Walking on a Dream,” and its colorful videoclip, which was shot in Shanghai, China, have been the innkeep for one of the early buzz tales of the year.

“We seeded it out to a couple of key blogs, and the blogosphere reacted,” says BMI Australia VP of A&R Craig Hawker. The “Walking on a Dream” album is certified gold in Australia (35,000 units) after its Oct. 4 release and will land Feb. 23 in the United Kingdom and Europe, with a U.S. release to follow.

Touring will have to wait. “They have a very elaborate, visionary approach to how they want to take their live show,” says EMI Music Australia chairman Mark Poston. “Because they want to get it right, it won’t be ready until the summer.”

Live dates—booked by the Sydney-based Harbour Agency’s Brett Murrihy for Australia/New Zealand and London-based Mike Greek of Creative Artists Agency for the United Kingdom and Europe—will likely kick off this August in Australia. Steele is published by Sony/ ATV, Littlemore by Control.

—Lars Brandle

**VIEW TO A KILLING**

Having scored a U.K. No. 1 with its platinum-selling (300,000 units) debut, “Heads Off to the Buskers,” Scottish alt-rock quartet the View is hoping for similar success with its sophomore set “Which Bitch?” Released Feb. 2 in the United Kingdom through 1965 Records/Sony and produced by Owen Morris (Oasis, the Verve), the 14-song album retains the raucous spirit of the debut, while adding a rich orchestration of horns, strings and woodwind. Fellow Scot Paolo Nutini (Warner/ Atlantic) also makes an appearance, duetting with singer Kyle Falconer on the emotive track “Covers.”

“They’ve really gone out on a limb on these songs,” says Endecott, managing director of London-based 1965 Records. “Rather than just regurgitating what they have done [before], they’ve thought, ‘We’ve got a real chance here to do something special.’”


—Richard Smirk

**QUESTIONS**

with GLORIA TREVI

by AYALA BEN-YEHUDA

Against all odds, Mexican pop star Gloria Trevi has forged an enduring career amid personal turmoil and artistic controversy. Addressing such topics as unwed motherhood and drug abuse at a time when no other Latin pop artist did so, Trevi struck a chord throughout Latin America. After being released from jail and cleared of charges of rape, kidnapping and corruption of minors, Trevi took the reins of her career with continued success. Her latest album, “Una Rosa Blu,” has sold 77,000 copies stateside, according to Nielsen SoundScan.

1. **What drove the success of “Una Rosa Blu”?**

It was a very cared-for album, with the participation of three mega-producers: one Mexican [Armando Avila], another Puerto Rican [Sergio George], who covers the Caribbean side, and the other [Italian] (Bob Benazzo), who brings me to the European audience. There are songs for different moods, if you identify with the philosophy of moving forward, of love, of being positive—and there’s also criticism. For example, “Inmaculada” says no to violence against women, and soon I’m going to sing it to promote “no” to violence.

2. **How about your recent participation in the reality competition “El Show de los Sueños”? Has that been a factor?**

I sincerely believe it wasn’t, because I participated in that show when [the single] “Cinco Minutos” was already No. 1 in Mexico and the song “Prueba” was climbing the charts and they were giving me a platinum album. If I hadn’t been in that moment in my career, I wouldn’t have participated. A lot of people call me “anti-diva,” and a diva wouldn’t have wanted to participate in this. I really liked the idea of being part of a program that unites the family to criticize, to laugh, to bet on someone, to send the message that we can help another person.

3. **In addition to the creative aspects of the album, what was done on the business side to make it a success?**

I think the album was like the song “Todos Me Miran,” which didn’t have radio support but was a hit on its own. Just between dives and kapsam, it became the most-requested song in the clubs. From there it went to Europe, and in Spain it became an anthem.

It was launched at the moment that my record company was being acquired. Universal bought Latin Music, and during the transition, the album came out. It was intense because on one hand, it seemed that I wasn’t going to have promotion by the label. But I promoted the album on TV shows and radio festivals, and eventually Universal took the reins and heard the album and loved it.

4. **Why did you sign a publishing deal with peermusic and establish Trevi Songs under it last year?**

I had worked with a publisher here in Mexico [Vander/Edimus], which was directed by Edmundo Monroy. When he didn’t work for them anymore, I looked for another publishing company that would support me and have confidence in me.

5. **Your version of “Cinco Minutos” with Los Horoscopos de Durango is a hit. Are you planning another duet with a regional Mexican artist?**

It’s with a man, and he’s not Mexican. We’ll see what happens. I think the song has to ask for it. … When a duranguense version of “Cinco Minutos” was mentioned to me, I thought it would be fun because [Los Horoscopos are] two women, and with me it’s three. It’s the atmosphere, the intention of “Cinco Minutos.” It’s a very feminist song. We’re women having a martini and laughing at the one who didn’t value us, who didn’t know how to love us.

6. **Do you have plans for a special kid-friendly tour?**

I did concerts at the [Mexican venues] Auditorio Nacional and Arena Monterrey, and there were a lot of children. I do [my show] the way I do it: … all of a sudden during “Todos Me Miran,” guys come out and there’s a strong scene with some abuse and there’s kissing and everything. I would at some point like to do a tour especially for kids, where all my fans can have fun. But on that day, there’s no [alcoholic] beverages. They’ll only serve Coca-Cola and lemonade.

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POPP
BRIGHTON PORT AUTHORITY
I Think We're Gonna Need a Bigger Boat
Producers: Norman Cook, Simon Thornton
Southern Fried
Release Date: Feb. 3
Nobody did party music for the dot-com boom years quite like Fatboy Slim, aka DJ/producer Norman Cook. After five years of relative silence, Cook bursts back with the Brighton Port Authority, a project that liberates him from the "electronic dance artist" identity crisis and allows his production talents to shine. He and studio partner Simon Thornton team with a dozen singer/songwriters, from Iggy Pop to Justin Robertson to Martha Wainwright, on a swaggering set of proper pop songs that never cross the four-and-a-half-minute mark. The Fatboy trademarks are here (acid squelches, ska guitars, chunky oceans of synth), but they're blended with the unique musicality of each guest. The set is reminiscent in spirit of Martin Ronson's "Version" (Wainwright even sounds positively Winehouse-like on "Spade"), but it's even better because the songs are new.—KM

ERIN McCARLEY
Love, Save the Empty
Producer: Jamie Kenney
Universal Republic
Release Date: Jan. 27
Before any of her music hit pop radio, singer/songwriter McCarley's wares were delivered to TV staples "Grey's Anatomy," "Ghost Whisperer" and "One Tree Hill," while the title track is featured in the movie "He's Just Not That Into You." At 29 McCarley's no newbie, coming at her craft sounding smart, with a kind of versatilty that few artists are allowed. But Universal Republic promised to leave her alone and let her sell herself. "Empty" is the initial epiphany track, though album opener "Pony (it's OK)" is more likely to open doors at radio. This is not a single-heavy album; rather an artist to be discovered for her depth.—CT

THE BIRD AND THE BEE
Ray Guns Are Not Just the Future
Producer: Greg Kurstin
Blue Note
Release Date: Jan. 27
Singer/songwriter Inara George and producer Greg Kurstin know how to craft a pop song. On their second album as the Bird and the Bee, George (the bird) and Kurstin (the bee) continue to juxtapose tongue-in-cheek lyrics with sugary vocals and quirky electronic effects. On "Polo Dance Song," the well-mannered George shamelessly asks, "Would you be nasty with me? Do you like dancing with me?" Sung sweetly over a slow, psychedellic drum-synth combination, the request doesn't sound sleazy in the least, indeed, from the cheerleader-style claps that set the foundation for "My Love" to the chanted choruses in "Love Letter to Japan," it's clear these two just are out to have fun.—LL

COUNTRY
WILLIE NELSON & ASLEET AT THE WHEEL
Willie and the Wheel
Producer: Ray Benson
Bismeaux Records
Release Date: Feb. 3
Decades in the making, this collection of swing classics as interpreted by Willie Nelson and Asleet at the Wheel doesn't disappoint. First proposed to Nelson 30 years ago by Jerry Weelix, the set finally came to fruition just before Weelix, who executive-produced the album, died last August. While it can be dangerous to cover classics, Nelson, Asleet at the Wheel leader Ray Benson and the top-notch players do a fine job of interpretation here. Highlights include Nelson's push and pull with Asleet at the Wheel's Elizabeth McQueen on "I'm Sittin' on Top of the World" and the instrumental "South," first a hit in 1927, which features Paul Shaffer on piano and Vince Gill on electric guitar. The set is so authentic that one almost feels guilty listening to it on modern speakers instead of seated around the old Victrola.—KT

THE FRAY
The Fray
Producers: Aaron Johnson, Mike Flynn
Epic
Release Date: Feb. 3
As the Fray's sophomore album winds to a close, frontman Isaac Slade announces that "all is not well"—which lets you know the mood of these 10 tracks is not exactly cheery. The Fray is a more angst-filled and melancholy set than you'd expect from a group following up a double-platinum debut, populated with songs about lost love and tortured souls. But hand-wringing music sells, especially when it also hews close to the melodic, piano-driven pop of 2005's "How to Save a Life." Chock full of songs like " Syndicate" and "You Found Me," the album's first single, the airily upbeat "Where the Story Ends" nods to Coldplay, and a trio of songs—gentle "UnGodly Hour," the fuzzy-groovy "We Build Then We Break" and the subtly building "Happiness"—bring the album to a powerful and emotionally rich close. On the last song, Slade sings, "Happiness damn near destroys you"—but it's certainly in no danger of ruining the Fray.—GG

DIERKS BENTLEY
Feel That Fire
Producers: Brett Beavers, Dierks Bentley
Capitol Nashville
Release Date: Feb. 3
Both a S.O. Opry member and a U2 fan, Dierks Bentley is the epitome of the modern country star, and his star is on the rise. His exceptional new album has plenty of sex and señoritas, but also a higher calling on the uplifting "It's a Beautiful World," a duet with Patti Griffin. The title cut and first single is an accurate portrayal of a complex woman's psyche, while "I Wanna Make You Close Your Eyes" finds Bentley growing his way through a welcome adobe. "I Can't Forget Her," with its decidedly southwestern feel and fine storytelling, would make Marty Robbins proud. "Last Call" with Ronnie McCoury is a rollicking bluegrass romp, and "Here She Comes" is a high-octane burn a la Garth Brook's "Ain't Gooin Down (Til the Sun Come Up)." —KT

FRANZ FERDINAND
Tonight: Franz Ferdinand
Producer: Dan Carey
Epic
Release Date: Jan. 27
Since Franz Ferdinand's emergence in 2004, it has owned the field of smart, energetic dance-rock epitomized by singles like "Take Me Out." Rumbles that its third studio album would be heavily influenced by reggae and dub music presented the prospect of an intriguing fusion. But these influences play only supporting roles here, on such songs as the engaging, strutting "Ulysses," the urgent yet melodic "Send Him Away" and the resonant "Can't Stop Feeling." While it would have been interesting to hear a further evolution of the band's sound, the album offers plenty of adrenaline, pheromones and stealthy sophistication, thanks to Bob Hardy's driving bass, Alex Kapranos' expressive crooning and the band's unusual ability to make every song sound like a single. Of special note is closer "Katherine Kiss Me," an acoustic ballad about an alleyway hookup and a perfectly timed comedown from the rest of the album's sustained high.—EN

DANCE
FERRY CORSTEN
Twice in a Blue Moon
Producer: Ferry Corsten
Ultra
Release Date: Jan. 27
Dutch trance is practically a genre unto itself, and Ferry Corsten is one of its founding fathers. But on his promising 2006 debut, "L.E.F.,” or "Loud, Electronic, Furious” the duo has diverged from the style's decade-agnostic construct of synthesized arpeggios, stepwise melodies and scenery-changing drama. He opted instead for punchy breaks and unapologetically sunny choruses, like the pop-happy "Fire" (featuring vocals by Simon Le Bon). Follow-up effort "Blue Moon," however, reverts to the glow-stick-dotted twilight of old-fashioned trance. Chanteuses cool, kick drums wallop and every song is named something either tactile or spiritual ("Black Velvet," "We Belong."). That's not to say it's dull; tracks like "Made of Love" soar over the landscape like the genre's best epics. But this could have come out in 1998 and not have been much different.—KM

www.americanradiohistory.com
**SINGLES**

**WORLD**

**MARIZA**

Producer: Javier Limón
40/World Connection

Release Date: Jan. 27

Portuguese falsetta Mariza has become a celebrated artist well beyond her father's fado house in Lis- 
bon. For her latest project, she's chosen the choice of material mirrors Mariza's burgeoning world audience. She offers several gorgeous fado numbers, of course, and reaches beyond. Mariza also un- 
earthed a never-published poem by David Moura- 
Ferreira and has given it new life as a fado number called "Recurso." Chacho Valdes adds some Cuban flavor to the Portuguese folk piece "Fronteira," and Mariza sings a wonderful arrangement of a Cape Verdean morna, "Beijo de Saudade," with Tito Paris. Finally, we get a very pleasant surprise: a bonus track of Mariza reprising the 

**AL DI MEOLA & WORLD SINFONIA**

La Melodia (Live In Milano)

Producer: Al Di Meola
Viliana Music

Release Date: Jan. 8

Fusion-turne world music guitar prodigy has carried a torch for tango, pri- 

marily for the late master and personal mentor Astor Piazzolla. "La Melodia" shows 

dcases Di Meola and his World Sinfonia band feasting on Latin jazz pieces like Piazzolla's "Cafe 1930" and "Double Concerto." Fausto Beccalossi's accordion lends the album a romantic air, whether it's nimblly skipping alongside the guitars on crowd-pleaser "Mediterranean Sundance" or softly warbling notes for Ennio Morricone's sunset bal- 

d "Paradisa. Alas, although the musicians' per- 

carations are beyond reproach, extended playing times and repetitious com- 

positions will render this an album for Di Meola purists. Lightened by others willing to lend a discerning ear. Dramatic turns like the honkin' intro to "Double Concerto" or the pensive melody of Andrea Paroldo's "Umbra," however, do give the album more flair. —CLT

**BLUES**

**DAMON FOWLER**

Sugar Shack

Producer: Scott Cable
Blind Pig

Release Date: Jan. 27

After three self-released albums, Florida native Damon Fowler makes his Blind Pig debut with this notable project. Fowler oscillates be- 

tween country, electric blues and Americana. He's a formidable 

dragon guitar player, heard as on the up-tempo piece "Lonely Blues." He has also mastered lap steel and dobro as well as electric guitar, and his playing throughout the album is deft. Indeed, Fowler may be so skilful that he prefers pickin' tasty to larger-than-life guitar heroics. Fowler wrote nine of the 12 

tunes on the album, and his original material is solid. Check his slow burner "I Hope It's Gonna Rain," high- 

lighted by another judicious guitar solo. —PPV

**POP**

**NICK LACHEY**

Patience (3:22)

Producer: not listed
LIVE

Release Date: Jan. 27

In late 2006, Brit boy band Take That scored a career-redefining comeback with "Patience," which spent a month at the top of the singles charts at home and won record of the year at the BRIT Awards. It's now recast as 

Lachey's third solo album, following his 2006 gold showing "What's Left of Me" and the No. 6 Billboard Hot 100 title track. His reading is awfully close to the original, but Take That is pretty much an unknown in the United States (having scored just one hit, 1995's "Back for Good"), so most stateside listeners won't even know it's a cover. It's also a quintessential fit for Lachey's rep as a 

master balladeer. His version turns up the guitar a few degrees and cruchs with more urgency, while showcasing a vocal that demonstrates the innate control he proved a decade ago as a 98 Degrees lead. While solo white males remain the exception at top 40 radio, Lachey has the advantage of a major label in his corner. "Patience" sounds like the start of a promising new chapter for a deserving interpreter. —CT

**JESE MCCARTNEY**

How Do You Sleep? (3:17)

Producer: Sean "the Pen" Garrett, Clubba Long
WRITERS: First: Jesse Garrett, R. Oglesby
Publishers: Team S Dot/Hitco/Songs of Windswept Pacific/Rayza Sounds, BMI

While his previous single "It's Over" failed to achieve the same success as his No. 1 top 40 hit "Leavin."

Jesse McCartney keeps the ball rolling with "How Do You Sleep?" from his under- 

rated 2008 CD "Departure." He croons about his lost love. "It's been about a year now/ Ain't seen or heard from you/ Been missing you crazy," to a bangin' 

hip-hop beat co-produced by R&B master Sean Garrett. R&B and rhythmic stations smart enough to embrace Justin Timberlake would be wise to indulge another white boy, who fuels the fire with features remixes featuring Ludacris. McCarthy has certainly grown up; now it's 

time that radio gave this talent his just deserts: sustained stardom. —AV

**R&B/HIP-HOP**

**NE-YO**

"Mad (4:14)

Producer: Stargate, Ne-Yo
WRITERS: S. Smith, M.S. Eriksen, T.E. Hermansen
Publishers: Universal/pen in the Ground/Sony/ATV/EMI, ASCAP

Def Jam
Ne-Yo continues his string of hits from his third six-time Grammy Award-nominated third album "Year of the Gentleman." Having scored his biggest hit to date with "Closer" and the top "Miss Independent," the introspective midtempo bal- 

d "Mad" looks to be the Rat Pack-inspired singer's 

hat-trick. All three were produced by Norwegian hitmaking production team Stargate (Beyonce, Si- 

hanna, Chris Brown) and co-produced by Ne-Yo. Roll- 

ing piano chords and a simple high-rhythm beat 

allow the performer's torer to shine, sweetly contrast- 

ing a lyric about making up before bed. His most dra- 

matic music video to date matches the intensity of the message, shot in black and white and illustrating the Argentinian city worth it in the long run. "We're fighting this war. baby, when both of us are losing." —MM

**FLO RIDA**

FEATURING KESHA

Right Round (3:25)

Producer: Dr. Luke
WRITERS: T. Dillard, H. Lane, T. Mosley
Publishers: not listed

R&B singer who loves his home state so much he named himself after it ex- 

perienced career-defining success with "Low" from his first album. "Mail on Sunday." Flo Rida's first single from his upcoming sophomore album, "R.O.Z.T., is a decided evolution, as he 

samples Dead or Alive's 1989 dance single "You Spin Me Round (Like a Record)." While not as catchy as "Low," the track is aimed at getting listen- 

ers dancing—though the seemingly mandatory use of Auto-Tune on part of the chorus detracts from the fun. No matter. With newcomer Kesha adding 

dish to the hook, "Right Round" will land Flo Rida squarely at the top of the charts. —KH

**LEGENDS**

EDITED BY JONATHAN COHEN (ALBUMS) AND CHUCK TAYLOR (SINGLES)

**CRITICS’ CHOICE** + A new release, regardless of chart potential, highly recommended for music lovers. All albums commercially available in the United States are eligible. Send album review copies to Jonathan Cohen and singles release copies to Chuck Taylor both at Billboard, 770 Broadway, Seventh Floor, New York, N.Y. 10003) or to the writers in the appropriate bureau.

**PICK 🆙: A new release predicted to hit the top half of the chart in the coming weeks.**

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Launch Party

N.A.S.A. Blasts Off With Wacky Pop Collaborations

The list of special guests on the album "N.A.S.A. The Spirit of Apollo," due Feb. 17 on Anti-, reads like a blogger's dream.

Kanye West, Santogold and Lykke Li team up on one track, "Tom Waits and Kool Keith trade verses on another. Some of the pairings almost seem defying logic, but Karen O. of Yeah Yeah Yeahs and the late Of Dirty Bastard somehow manage to create one of the standout songs on the record, which brings together a DJ from Los Angeles, a DJ from Brazil, rappers and indie rockers. The two DJs at the center of the N.A.S.A. experiment are Californian Squeak E. Clean (Sam Spiegel) and Brazilian Zegon (Ze Gonzales). "We met at a friend's party in the Hills in 2003," Gonzales says. "We seem to be connected by the same taste for '60s and '70s music and collecting rare records. The day after we met, we started making beats together for fun. A few months later, we realized that what we did together was better than what we used to do separate and that it had a different vibe than anything we had previously made."

The pair began to nail down a concept, layering "unexpected, awesome" collaborations over its beats. Spiegel says, "I know a lot of people, and I just started asking them to get involved," he adds. "We would write the track and then think about who would sound good on it. Sometimes we would write the chorus, but mostly we just got people in a room and they would take it from there."

Spiegel adds that although they never had a defined list of performers, there was one person who always eluded them. "I wanted James Brown more than anything," he says. "He was too busy touring and we couldn't afford it."

Gonzales and Spiegel worked on the project off and on for almost six years without a label, preferring to make the album on their own time and dime. They attracted the attention of Eptiphim imprint Anti- after Waits told label president Andy Kaulkin about their work, and, according to Kaulkin, he was interested from day one.

The strong, diverse list of performers gives the album a leg up when it comes to marketing, but Anti- is planning an aggressive campaign nonetheless. "We've been rolling out tracks and videos for the past few months, and, the blog response has been great," Eptiphim GM Dave Hansen says. "We're going to send the record wide to reviewers pretty soon and are expecting it to leak and the buzz to be huge."

Spiegel and Gonzales have also commissioned a number of prominent artists to make videos "for several of the tracks, one. Siepards Fairy's take on the song "Money" has already made the rounds on the Web. Kaulkin adds that the label plans to release special skate decks with N.A.S.A. art that include a download card. There will also be a N.A.S.A. tour, but Hansen and Spiegel caution that anyone expecting to see West on stage will be disappointed. "For the most part, it'll be the two of us DJ'ing, controlling and manipulating audio as well as video, with dancers," Spiegel says, but as Hansen says, "If Tom Waits happens to turn up at one of their shows, for instance, I can't imagine they'll turn him away."

"I've been there," Wilson says. "I know wholeheartedly about being homeless and all the facts about it. How it feels to not eat, sleep and be without a person you love. I definitively took that record and sung the hell out of it." 

Jive VP of urban marketing Lisa Cambridge-Mitchell notes that Wilson has "tremendous awareness and good will for him on the part of the R&B/hip-hop audience. However, as the label ramps up for Uncle Charlie," it will initially focus on "plugging into events that speak" to Wilson's core audience of African-American females ages 25-35 and a secondary market of African-American males ages 25-35.

In line with past participation in events involving syndicated radio hosts like Tom Joyner and Steve Harvey as well as Essence magazine's annual music festival, Cambridge-Mitchell says Essence.com will be a significant partner in the upcoming rollout, complemented by traditional TV and radio advertising. Also in the works: an in-theater promotion for Tyler Perry's new movie, "Madea Goes to Jail," and upcoming appearances in the Middle East to entertain the troops.

"My friends still tell me that," Wilson says with his signature hee-hee laugh. "But I'm still having a good time performing. I'm always going to give music all the energy I've got." That old-school energy, enthusiasm and work ethic have served him well during a career that includes a hits-laden, '80s-era run as frontman for funk trio the Gap Band ("Burn Rubber," "Outstanding")--as well as a drug problem that temporarily sidelined him 14 years ago.

But Wilson is back on the upswing again thanks to the top 10 Adult R&B hit "There Goes My Baby," written by Kenneth "Babyface" Edmonds and singer/songwriter Calvin Richardson, the Grep Pagani-produced track doubles as the lead single from Wilson's second Jive solo album, "Uncle Charlie." (Feb. 17.)

This latest chart run picks up on the momentum sparked by Wilson's 2005 Jive debut, "Charlie, Last Name Wilson." Sporting songwriting/production by R. Kelly, T-Pain, the Underdogs and Pagani, among others, the album debuted at No. 10 on the Billboard 200 and No. 3 on Top R&B/Hip-Hop Albums, while the title track climbed to No. 11 on Hot R&B/Hip-Hop Songs. To date, the CD has sold 442,000 copies in the United States, according to Nielsen SoundScan. An earlier solo effort, 2000's "Bringing the Gap," has sold 195,000.

Ask Wilson what the major difference is between his two most recent projects and he quickly boils it down to one word: control. "I executive-produced my own record this time," he says of "Uncle Charlie," which he worked on in the studio at his ranch outside Los Angeles. "I also wrote a little. When my brothers and I had the Gap Band, we thought we were in control, but we got sidetracked by our label and others. Now I'm in control of my own destiny." Wilson—managed by Michael Paran of P Music Group—reunites with such collaborators as Pagani, the Underdogs and T-Pain on "Uncle Charlie," which derives its title from the nickname Snoop Dogg gave him several years ago. The rapper once again plays a supporting role, featured on the dance jam "Let It Out." The act/singer Jamie Fox jumps on a slow dance remix of the set's street single, "Supa Sexxy." Beyond the party vibes and the easy, feel-good blend of contemporary and classic R&B that powers "There Goes My Baby," Wilson gets down to emotive basics on the ballad "Homeless." Telling the story of a man who gets kicked out of the house by his woman, the song uses the metaphor of being homeless to further drive home the pain of the severed relationship.

"I know wholeheartedly about being homeless and all the facts about it. How it feels to not eat, sleep and be without a person you love. I definitively took that record and sung the hell out of it."
Time To Shine

Dean Brody Finds Hard-Earned Success in Nashville

Growing up on the edge of the Canadian Rockies in rural Jaffrey, British Columbia, Dean Brody spent a significant part of his childhood involved in 4-H, fishing, hunting and splitting firewood. In his spare time he played guitar and wrote songs. At 16 Brody, like most other boys around town, started working at the local sawmill. But after years of writing on the side, Brody knew that to move forward with music he had to leave town. “I wondered if there was something more to life than a 9-5 kind of job,” he says. “The longer I spent working there, the more I wanted to get out of town and move to Nashville.” So in 2004 he loaded up a U-Haul and began the 2,500-mile trek to Tennessee. He didn’t know a soul in Music City. “I had nobody,” he says. After a mass mailing to Nashville labels, Brody eventually heard from Cliff Audretch Jr., an A&R rep at Sony Music Nashville, who invited him to play his songs. While the visit didn’t lead to a record contract, it did lead to a publishing deal.

“It was quite a lucky break,” Brody says, knowing that unsolicited submissions are rarely opened, let alone heard.

Audretch encouraged him to focus on songwriting. “I know you can write songs and that’s where you should start,” he told Brody. “As far as the artist thing, let it come to you. Work on your craft and work on getting plugged in.”

But after two years with the publishing company, Brody got the news that his contract and U.S. work permit wouldn’t be renewed. He and his family moved back to Canada. But when Brody called friend and producer Matt Rovey to give him the news, Rovey told him that Keith Siegall (Alan Jackson), who was working at the independent label Broken Bow Records at the time, was interested in signing him. Brody promptly returned to Nashville.

The artist’s first single, “Brothers”—about two siblings, one of whom goes off to war—is No. 35 on Billboard’s Hot Country Songs chart. The song recently peaked at No. 10 on sister publication Radio & Records’ Canada Country chart.

“I had just finished watching ‘Band of Brothers’ on HBO,” Brody says of writing the song. “I thought about what it would be like for a little kid to see his older brother go off to war.” (Brody’s younger brother spent two years in the Canadian Armed Forces.)

Mike James, OM for WPCV Lakeland, Fla., says the song is one of the station’s most-requested tunes. “The country lifegroup has so much pride in our troops, so there’s the emotional connection for the brother in the song who goes off to protect our freedom and liberty,” he says. “For anyone who has a brother or a sibling, you have to fight hard to keep the tears from flowing when you listen to the song.”

Brody has recorded a self-titled album produced by Rovey, but a release date hasn’t been set.

Left Eye’s Legacy

Missy Elliott, Bobby Valentino, Chamillionaire and the surviving members of TLC headline the guest list on Lisa "Left Eye" Lopes’ posthumous solo album, "Eye Legacy." The album was released Jan. 27 by Boston-based Mass Appeal Entertainment in conjunction with the Lopes family.

Containing 12 tracks and two bonus selections, "Eye Legacy" offers a mix of unreleased songs as well as retooled material from the former TLC member's 2006 limited edition international release, "Supernova." Rounding out the package is a DVD featuring never-before-seen video footage from Lopes’ final days. The lead single is the previously unreleased “Let’s Just Do It” with Elliott and TLC’s Tionne "T Boz" Watkins and Rozonda "Chilli" Thomas.

Additional guests include former BET “106 & Park” host Free on "Spread Your Wings" and Lil Mama on "Block Party." Completely reproduced, both of these tracks initially appeared on “Supernova.”

Lopes died in a car accident in Honduras in April 2002, ending TLC’s run as one of the biggest acts of the Nielsen SoundScan era. Since 1992, it has sold 15.5 million albums in the United States.

Work on "Eye Legacy" commenced 18 months ago after the Lopes family bought the masters from Lopes’ former label, LaFace/Arista. During talks with producer and Mass Appeal CEO Marcus "DL" Siskind, it was decided that several tracks would be revamped to include artist cameos. A portion of the album’s sales will be donated to the Lisa Lopes Foundation, dedicated to helping inner-city youth.

“We wanted to take these masters and really make something everyone was comfortable with and that also fit what fans wanted and would want to hear from Lisa,” Siskind says. He served as the album’s executive producer, while members of Lopes’ family—mother Wanda, sisters Reigndrop (through Eye Reign Entertainment) and brother Ron (through Free Spirit Entertainment)—participated as co-executive producers.

Reigndrop worked on three album tracks, including the lead single "Will Eye Eva." Reigndrop recalls, “I do rock music and [Lisa] wanted to do rock next. We were going to work together on that. While it’s impossible for us to have done this album exactly the way she would, I think it’s very close.”

The Lopes family is planning to release a second posthumous album.

—Gail Mitchell
Love Is On The Charts As Valentine’s Day Nears

With Valentine’s Day around the corner, it’s not unusual to see romance-themed albums find their way onto the Billboard 200.

Mariah Carey’s “Ballads” and Frank Sinatra’s “Seduction: Sinatra Sings of Love” both enter this week at Nos. 10 and 23 with 29,000 and 17,000 copies, respectively.

For Carey, it’s her 16th charting set and 14th top 10. Released through Columbia/Legacy, the new compilation strings together a collection of down-tempo hits and album cuts. It’s the fourth best-of set that Carey has released, following “#1’s” (No. 4 in 1998), “Greatest Hits” (No. 52 in 2001) and “The Remixes” (No. 26 in 2003).

As for Sinatra, “Seduction” follows last year’s “Nothing But the Best,” which debuted and peaked at a surprising No. 2.

Two years and one week ago this week, his “Romance: Songs From the Heart” debuted at No. 36 with 19,000. And then, in 2002, his “Greatest Love Songs” hit No. 32. Clearly, Sinatra is often in the mood for love.

It's likely that both "Ballads" and "Romance" will continue to sell well in the next couple of weeks, at least until Valentine’s Day holiday has passed.

The chart that reflects the SoundScan sales week that ends Feb. 15 should hopefully look robust and romantic, thanks to Valentine’s Day falling on a Saturday this year. Additionally, that week’s chart will show whatever impact results from the previous Sunday’s Grammy Awards telecast.

DIVA’S DOZEN

» Carrie Underwood makes her 12th No. 1 single on the Hot Dance Club Play chart as "Heaven" climbs a 4. The singer's track record is quite stunning: She's hit the top of the tally with all but one of her chart entries. Only "It’s Gonna Be You Light" missed No. 1, peaking at No. 2 in 2005.

The week ending Feb. 17, the year’s largest sales frame for albums (9.8 million) outside of the always-busy Christmas shopping season. Also, that seven-day period post the year’s fourth-largest week for digital track sales, with 22 million.

The only weeks to surpass that digital total were the first and second frames of the year and the week ending March 30. The start of the year always provides strong digital song sales, as consumers fill up their just-received-for-Christmas MP3 players. The March 30 week last year was an anomaly, when two blockbuster tracks debuted at Nos. 1 and 2 on Hot Digital Songs, throwing the chart out of whack. That week, Carey’s "Touch My Body" (286,000) and Madonna’s "4 Minutes" (217,000) started at the top of the chart. It was the first time two titles debuted with 200,000 or more in a week.

EIGHT IS GREAT, BUT BRUCE AWAITS:
Taylor Swift and her "Fearless" album will yield the No. 1 slot on the Billboard 200 next week after an eight-week run at the top, as Bruce Springsteen’s "Working on a Dream" is on course to become his ninth No. 1 album.

The set led Nielsen SoundScan’s Jan. 28 building chart with unweighted sales of 66,000 copies through the close of business Jan. 27. With Springsteen and the E Street band scheduled to play the Super Bowl halftime show Feb. 1, it’s tough to say exactly just how big the Boss’ first-week sales tally might be.

Springsteen’s last release, "Magic," started atop the Billboard 200 with 335,000 in 2007.

For you "Fearless" fans, Swift's continuing popularity may bring the album back to No. 1 after Springsteen has had a turn at the top. As it stands, the album’s eight weeks at No. 1 is still quite an achievement. In the almost 53-year history of the Billboard 200, only eight female solo artists have claimed eight weeks or more at No. 1 with an album.

Alanis Morissette was the last to do so with "Jagged Little Pill" in 1995 and 1996, notching 12 weeks at the top. The other leading ladies and their albums are Whitney Houston’s "The Bodyguard" soundtrack (20 weeks in 1992-93), Mariah Carey’s "Music Box" (eight weeks in 1993-94) and her self-titled album (11 weeks in 1991), Paula Abdul’s "Forever Your Girl" (10 weeks in 1989-90), Houston’s "Whitney" (11 weeks in 1987), Carole King’s "Tapestry" (15 weeks in 1971), Janis Joplin’s "Pearl" (nine weeks in 1967) and Judy Garland’s "Judy at Carnegie Hall" (13 weeks in 1961).

MARKET WATCH

A Weekly National Music Sales Report

Weekly Album Sales

This Week

6,433,000 1,437,000 25,525,000
Last Week
5,899,000 1,464,000 25,679,000
Change
9.1% -1.8% -0.5%
The Week Last Year
7,310,000 1,666,000 26,388,000
Change
-12.0% 23.2% 18.0%

*Digital album sales are also counted within album sales.

Weekly Album Sales (Million Units)

30 25 20 15 10 5 0

J F M A M J JASON D J

6.4M

2008 2009

Digital Tracks Sales

SALES BY ALBUM FORMAT

CD

Digi-Track

CASSETTE

Other

25,492,000 20,482,000 -19.6%
4,991,000 6,431,000 29.9%
12,000 3,000 -75.0%
111,000 177,000 59.5%

Digital Tracks Sales

2008 2009

115.9 million

94.5 million

13.7%

-10.0%

-10.0%

-20.0%

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1. Taylor Swift - Fearless
2. Beyoncé - I Am... Sasha Fierce
3. Kanye West - 808s & Heartbreak
4. Adele - 19
5. Keyshia Cole - A Different Me
6. Britney Spears - Circus
7. Jamie Foxx - Intuition
8. Soundtrack - Notorious
9. Various Artists - The Ballads 13
10. Mariah Carey - E=mc2

NEW
1. Andrew Bird - Nosebleed
2. Animal Collective - Merriweather Post Pavilion
3. David Cook - David Cook
5. Akon - Freedom
6. T.I. - Paper Trail
7. Soundtrack - Slumdog Millionaire
8. Lady Gaga - The Fame
9. Various Artists - Family Man
10. Rihanna - Good Girl Gone Bad
11. Frank Sinatra - Seduction: Sinatra Sings Of Love
12. Jason Mraz - We Sing. We Dance. We Steal Things

25. Daughtry - Year of the Gentleman
35. Ludacris - Theater of the Mind
35. The Killers - Day & Age
46. Fleet Foxes - Fleet Foxes
37. Zac Brown Band - The Foundation
38. Katy Perry - One Of The Boys
39. Anthony Hamilton - The Point Of It All
40. Coldplay - Viva La Vida or Death And All His Friends
41. John Legend - Evolver
42. The DaRealist - Da Realist
43. AC/DC - Black Ice
44. Metallica - Death Magnetic
45. DJ Skribble - Total Club Hits 2
46. Hollywood Undead - Swan Songs
47. Leona Lewis - Spirit
48. Rascal Flatts - Greatest Hits Volume 1
49. Soundtrack - High School Musical 3: Senior Year

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Data for week of FEBRUARY 7, 2009 | CHARTS LEGEND on Page 43
ARTIST | LABEL/NUMBER | DISTRIBUTING LABEL (PRICE) | TITLE | COUNTRY
--- | --- | --- | --- | ---
101 | 100 99 | > & < | Trubador | New World Orphans
102 | 86 | - | Greatest Hits | Thrifty
103 | 67 65 | - | Twilight: The Score (Carter Burwell) | Capitol
104 | 95 81 | - | Hit Man: David Foster & Friends | EMI
105 | 91 77 | - | In the Heat of the Night | Curb
106 | 74 72 | - | Keepin' It Better: A Decade Of Hits | Elektra
107 | 110 109 | - | The Best Of 2009 That's What I Call Music! 10th Anniversary | Universal
108 | 103 102 | - | The New Game | Universal
109 | 123 124 | - | The Life Of A Song | BMG
110 | 120 119 | - | The Ultimate Hits | BMG
111 | 93 92 | - | Something Else | SONY
112 | 109 108 | - | Want | BMG
113 | 112 116 | - | Here I Stand | BMG
114 | 104 85 | - | Gossip In The Grain | Interscope
115 | 105 101 | - | Appeal To Reason | BMG
116 | 104 104 | - | Another Cinderella Story | Walt Disney
117 | 119 115 | - | Starter Fires | BMG
118 | 107 103 | - | Hook Me Up | Interscope
119 | 111 114 | - | Dedication 3 | Interscope
120 | 154 157 | - | Hello Love | BMG
121 | 106 95 | - | Vampire Weekend | XL Recordings
122 | 122 123 | - | Avant | BMG
123 | 129 130 | - | 35 Biggest Hits | BMG
124 | 126 121 | - | Thriving Ivory | BMG
125 | 129 125 | - | Thriving Ivory | BMG
126 | 116 80 | - | Words Divide | BMG
127 | 134 127 | - | Play | BMG
128 | 149 137 | - | Nothing But The Best | BMG
129 | 113 103 | - | Speaking Louder Than Before | BMG
130 | 124 119 | - | Finding Beauty In Negative Spaces | BMG
131 | 137 143 | - | Closer: The Best Of Sarah McLachlan | BMG
132 | 133 126 | - | Long Road Out Of Eden | BMG
133 | 114 111 | - | Emberus | BMG
134 | 131 93 | - | We Started Nothing | BMG
135 | 115 122 | - | A New Haircut | BMG
136 | 148 150 | - | NOW That's What I Call Country | BMG
137 | 139 139 | - | Revelation | BMG
138 | 130 140 | - | Kaia | BMG
139 | 139 136 | - | Camp Rock | BMG
140 | 131 130 | - | Sleep Through The Static | BMG
141 | 151 149 | - | Underworld: Rise Of The Lycans | BMG
142 | 128 123 | - | Metro Station | BMG
143 | 197 151 | - | Vicente Fernandez / Y Tu Mamá También (EP) | BMG
144 | 134 131 | - | Para Siempre | BMG
145 | 167 154 | - | Brutha | BMG
146 | 145 154 | - | The Definite Rod Stewart | BMG
147 | 153 149 | - | The Illusion Of Progress | BMG
148 | 139 138 | - | Undeniable | BMG
149 | 91 98 | - | Electric Arguments | BMG
150 | 121 131 | - | X: Ten | BMG

This Is Us: Songs From Where You Live | BMG

125

Following the HBO premiere of the film Jan. 17, the set rises 66% with 4,000—its best sales frame outside of the Christmas shopping season since August.

The Chairman's first consecutive album in two years as "Seduction" arrives at No. 23.

The cover profile owners a debut as the encore rebranded as the set Private Sessions," performance Jan. 25. Her collection posts a 29% gain.

Alicia Keys (up 48%) and Beyoncé (No. 1, up 5%) as part of the soundtrack at No. 5/2 aren't the only beneficiaries of playing inaugural events. She's taking the week: Obama kids' favorite Jonas Brothers (No. 3, up 10%) and 15%, each up by more than 5%).

www.americanradiohistory.com

Go to www.billboard.biz for complete chart data.
40

Go to www.billboard.biz for complete chart data

www.americanradiohistory.com
HOT 100 AIRPLAY

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HOT DIGITAL SONGS

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HOT TRACKS

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CHARTS

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SINGLES CHARTS

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PRICING/CONFIGURATION/AVAILABILITY

CD/CD-R prices are rounded to the nearest $0.05. All-Hits albums are compilations of hits from No. 1 to No. 100.

www.billboard.com for complete chart data.

For chart reprints call 646.654.4633
Go to www.billboard.biz for complete chart data.

Data for week of FEBRUARY 7, 2009
### R&B/Hip-Hop Albums

- **Top 10 Titles**
  1. A Different Me by KeYshia Cole
  2. Intuition by Dru Hill
  3. I Am. Sasha Fierce by Beyoncé
  4. Notorius by Notorius B.I.G.
  5. Boy & Heartbreak by Kanye West
  6. The Point Of It All by Anthony Hamilton
  7. Da Real Deal by Mariah Carey
  8. Theater Of The Mind by The Kards
  9. Year O' The Gentleman by Musiq Soulchild
  10. Freedom by Akon

### Mainstream R&B/Hip-Hop

- **Top 10 Titles**
  1. Pop Champagne
  2. Heartless
  3. You Can Leave Your Heart on the Dance Floor (If You Want To) by Kanye West
  4. Here's to Romance by Fabolous
  5. Stingy by Bobby Brown
  6. Put On by T.I.
  7. Turning Me On by J. Holiday
  8. Nothing Left to Say by Fabolous
  9. Heaven Sent by After 7
  10. Need You Bad by The Cheetahs

### Adult R&B

- **Top 10 Titles**
  1. Love That Girl by Anthony Hamilton
  2. Chocolate High by Ne-Yo
  3. Light by K. Michelle
  4. I Need a Love Song by Fantasia
  5. From My Heart to Yours by Usher
  6. This Isn't Love by Chris Brown
  7. Lost by Usher
  8. Ain't It Fun by Avant
  9. Just Me by Keri Hilson
  10. Lovers by The-Dream ft. Jazmine Sullivan

### Rhythm & Hip-Hop

- **Top 10 Titles**
  1. Livin' Life on the Line by J. Holiday
  2. Just Bass by T-Pain ft. Pitbull
  3. Programmed to Forget by The-Dream ft. Keri Hilson
  4. Rockin' That Thang by Robin Thicke
  5. What You Like by B.o.B
  6. Right Now (Na Na Na) by Flo Rida
  7. In My Hood by Wale
  8. Crack a Bottle by Eminem ft. Dr. Dre
  9. Lose It by T.I.
  10. Got Money by T.I.

### Hot Rap Songs

- **Top 10 Titles**
  1. Livin' Life on the Line by J. Holiday
  2. Just Bass by T-Pain ft. Pitbull
  3. Programmed to Forget by The-Dream ft. Keri Hilson
  4. Rockin' That Thang by Robin Thicke
  5. What You Like by B.o.B
  6. Right Now (Na Na Na) by Flo Rida
  7. In My Hood by Wale
  8. Crack a Bottle by Eminem ft. Dr. Dre
  9. Lose It by T.I.
  10. Got Money by T.I.
### HITS OF THE WORLD

- **Japan**
- **United Kingdom**
- **Germany**
- **Euro Digital Songs**
- **Euro Singles Sales**

#### Japan Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### United Kingdom Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### Germany Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### Euro Digital Songs
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### Euro Singles Sales
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

### France Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### Canada Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

#### Australia Albums
- **Anonymous**
- **Anonymous**
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#### Italy Albums
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- **Anonymous**
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#### Spain Albums
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- **Anonymous**
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#### Belgium Albums
- **Anonymous**
- **Anonymous**
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#### Euro Albums
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

### Euro Digital Songs Spotlight
- **Anonymous**
- **Anonymous**
- **Anonymous**
- **Anonymous**

- **Antony & the Jonhsons**

- **Euro Radio Airplay**

- **HOT N COLD**
- **IF I WERE A BOY**
- **I'M YOURS**
- **BROKEN STRINGS**

### Charts Legend
Go to www.billboard.biz for complete chart data
NOTICE OF SECURED PARTY SALE

Secured Party Seller:  Plainfield Specialty Holdings II Inc. (assignee of Plainfield Offshore Holdings V Inc. (the “Lender”)

Address:  55 Railroad Avenue, Greenwich CT 06830

Phone Number: 203-302-1715

Attention:  Thomas N. Fritz, Esq.

This constitutes formal notice that the collateral described below (the “Collateral”) will be sold at a sale (the “Sale”) held to enforce the rights of Plainfield Specialty Holdings II Inc. (“Lender”) as Secured Party Seller. The Collateral is the subject of (i) certain Subsidiary Guarantor Security Agreement, dated as of April 26, 2006, by and among National Music LLC (“National”), Wobe Music Group LLC, Wobe Music Management LLC, Mute House LLC (collectively the “Subsidiary Obligors”) and the Lender, (ii) a certain Consolidated, Amended and Restated Mortgage of Copyrights, dated as of April 26, 2006, made by National in favor of Lender (the “Mortgage”), and (iii) a certain Consolidated, Amended and Restated Trademark Security Agreement, dated as of April 26, 2006, between National and Lender. The Collateral includes the obligations (the “Obligations”) of Wobe Entertainment Group LLC (“Debtor”) under a certain Consolidated, Amended and Restated Loan Agreement, dated as of April 26, 2006, as amended by certain Amendment No. 1 to Loan Agreement and Consent, dated as of January 10, 2007, and by that certain Amendment No. 2 to Consolidated, Amended and Restated Term Loan Agreement, dated as of May 2007, between Debtor and Lender (assignee of Plainfield Offshore Holdings V Inc. (the “Subsidiary Guarantor Security Agreement”), Debtor is in default of the Obligations under the Loan Agreement.

The CONDITIONS OF THIS PUBLIC SALE ARE AS FOLLOWS:

1. Collateral:  The Collateral to be sold is described more particularly below and in the Notice attached hereto.

2. Time and Place of Public Sale:  The Sale is a public auction sale that will take place on February 12, 2009 at 12:00 p.m. (the “Sale Date”) at the offices of Lender’s counsel, Herrick, Feinstein LLP, 2 Park Avenue, New York, NY 10016. Any individual intending to attend the public auction sale must contact Brooke Conrads, Esq. at 212-392-5973 or bconrads@herrick.com at least twenty-four (24) hours prior to the Sale Date and secure access to the Park Avenue building. All attendees must also show government-issued photo identification, fill out a registration form, sign a document confirming building security before they are granted access to the Herrick, Feinstein LLP offices.

3. Method of Sale.  The Sale shall be a public auction sale on terms and conditions to be provided at the Sale. Lender shall have the right, but not the obligation, to credit bid up to the amount of the Obligations at the auction sale.

4. No Warranties.  The Collateral is being sold on an “as is, where is” basis. There is no warranty relating to title, possession, quiet enjoyment or any defects in the like of this Sale.

5. Existing Liens.  In addition, the Sale of the Collateral is subject to all liens, security interests and charges and encumbrances of any kind (any hereinafter, a “Lien”) with respect to each of the foregoing parties. Lender retains evidently to exercise all of its rights and remedies under the Loan Documents (as defined in the Loan Agreement), at law or in equity, by suit or otherwise, including, without limitation, the right to sell the Collateral free of any lien or other encumbrance. Thebid winning bidder assumes the risk that the Winning Bidder may be required to pay any and all taxes and liens, if any, that may be due against the Collateral.

6. Credit Bids.  If the Debtor, a Subsidiary Obligor or any other obligor of the Obligations, is entitled to a credit bid, such credit bid shall be applied to the Obligations, and such credit bid shall be in an amount, as to any term or condition of the Obligations, as determined in the Loan Documents (as defined in the Loan Agreement).

7. Right to Redeem.  Any person or entity entitled to redeem the Collateral may do so by paying the full amount of the obligations secured by the Collateral (including the expenses of preparing for and conducting the sale) prior to the Sale.

8. Deficiency.  If the amount that any Obligations remains unpaid after the Sale, the Lender reserves all rights to recover such remaining Obligations from the Debtor, any Subsidiary Obligor or any other obligor.

9. Governing Law.  This Notice supersedes any and all previous secured party sale notices issued by Lender with respect to the Collateral.

10. Further Inquiries.  For further information, please contact counsel for Lender at the contact information listed below. THIS NOTICE IS MADE IN SATISFACTION OF § 9.413 OF THE UNIFORM COMMERCIAL CODE AS EFFECT IN NEW YORK.

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RECORDING COMPANIES: Sony Music Entertainment names Bogdan Roscic president of Sony Music Classical. He was managing director at Decca Music Group in London.
1720 Entertainment names Tim Burness VP of promotion for Nashville. He was VP of promotion and marketing at Capitol Records in Los Angeles.
Broken Bow Records appoints Carson James senior VP of promotions. He served in the same role at Curb Records.

PUBLISHING: BMI in Nashville promotes Elisabeth Dawson to associate director of editorial services. She was media relations assistant.

TOURING: Facility management company Global Spectrum promotes Bob Kehm to assistant GM of the Chafetz Arena in St. Louis. He will continue to serve as director of marketing. Kehm was a marketing manager at the Wachovia Complex in Philadelphia.
The Broward Center for the Performing Arts in Fort Lauderdale, Fla., names Kelley Shanley president/CEO. He was executive VP/GM.

RELATED FIELDS: The Country Music Assn. appoints veteran radio programmer Dan Brown to the newly created position of VP of strategic marketing and communications. He was a broadcaster at top 40 WSTR (Star 94) Atlanta.
Management company Flook, Bumstead, McCready & McCarthy ups Jason Fridestine and David Boyer to associate business managers. They were account managers.
Australian music industry veteran Michael Parisi has opened Michael Parisi Management. He held dual roles as president of A&R for Warner Music Australia and managing director of its Mushroom Records imprint.
Global trade association Mobile Entertainment Forum names Stephen Jenkins global marketing director. He was head of marketing at PIAS Entertainment Group.

—Edited by Mitchell Peters

GOOD WORKS

DETROIT RAPPER HUSH JOINS CHARITY GIG
When Marissa Penrod discovered that her 6-year-old son Joseph was diagnosed with muscular dystrophy last January, the Detroit mother had big ideas about how to raise money for MD research. “She wanted to throw a huge Lollapalooza of sorts at Ford Field to raise money,” says Detroit rapper Hush, who recently met Penrod at a benefit for autism. “I said, ‘I love people with big goals, but let’s start out [smaller] and see what it’s like.’”
At the time, Hush was looking for an event to lend his talents to. “When my best friend and the mother of my children passed away [from cancer], it changed me,” he says. So the pair decided to throw a smaller-scale benefit concert for MD research at the 2,000-seat Fillmore Theatre in downtown Detroit.
“I thought with my name in the city and the people I could get involved, it could definitely be bigger than a 300-seat show,” says the rapper, who is working on a new album.
The all-ages show is set for Feb. 5 and will feature performances from Hush, JoCaine and HoSauce. The event will include a fashion show from Empire Seven and Detroit Clothing and a performance by the Walled Lake Central drum line.
General-admission tickets cost $20 and can be purchased through livetraffic.com. A portion of the money raised will be donated to the Muscular Dystrophy Assn.

INSIDE TRACK
NAS SOUNDS OFF
Nearly seven months after the release of his Grammy Award-nominated album, “Untitled,” Nas says he’s just “chilling out” these days, “trying to get myself together creatively [and] just [keeping] my head all straight to figure out what the next move is.”
That said, the rapper tells Track that he has “a couple of special things up my sleeve that should be unveiled in the next few weeks” — and that’s about all he’ll say about them, although he promises that one of the projects “is history.”
After guesting on records by Young Jeezy, The Game, DJ Khaled and Keyshia Cole in 2008, he has a couple of other features lined up for the new year — including a shot on Dr. Dre’s “Detox,” whenever it comes out. “I did a joint. I think it’s crazy,” Nas says of working with Dre. “He’s someone I’d love to do a whole album with one day. He’s incredible. I think he’s the best producer of all time.”
Nas is up for two Grammys at the Feb. 8 ceremony in Los Angeles, including best rap album for “Untitled.” “In all honestly, the fact that hip-hop is even at that stage now, for a guy like Lil Wayne to even be nominated for the best album Grammy and me to be nominated, it’s just a blessing,” he says. “Whether I win or lose, I’m happy hip-hop made it that far.”
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2009 SUNDANCE ASCAP MUSIC CAFE

The Sundance ASCAP Music Cafe, presented by Ray-Ban and held Jan. 16-23, featured live music during the 25th anniversary of the Sundance Film Festival in Park City, Utah. Performers included Dave Barnes, Bromstrom, Jimi Blissett, the Sugarcanes Grotto, Kate Herko, Damien Rice, Goo Goo Dolls’ John Rzeznik, Angel Taylor, Phil Vassar, Wynonna, Rachael Yamagata and Youth Lagoon. “The People Speak: Voices of a People’s History of the United States,” which showcased little-known voices in U.S. history and is based on the forthcoming documentary “The People Speak,” was presented Jan. 22 and featured readings by Robert Redford. 2009 Academy Award nominee Josh Brolin, Melissa Leo and Marisa Tomei, Woody Harrelson, O’Brian’s brother and Benjamin Bratt, as well as musical performances by Wynonna Jaeger and the Black Crowes’ Rich Robinson. Photos courtesy of BMG/ASCAP except where noted.

Former BRIT School student and current musician Stone Wells (right) accepts a check on behalf of the BRIT Trust from BRIT Committee chairman Guy Goodwin. The BRIT Trust, or British Record Industry Trust, raises more than £10.5 million ($15 million) for 100-plus charities, including the BRIT School for Performing Arts and Technology and Norcooff Robbins Music Therapy. Other school graduates include Adele, who recently won the Critics Choice Award, and Grammy Award nominee Leona Lewis.

Evergreen Copyrights signed an exclusive worldwide publishing deal with vocalist/writer/producer, CeCe Winans. The deal includes new songs penned by Winans for her upcoming reunion album with her sister CeCe Winans, as well as two other albums, the forthcoming CD “Orchadal Truth” and a new gospel record. At the 25th anniversary event for songwriters, EMI Co-COEOs and founders David Schuller (left) and Richard Penna, Taylor Swift (left) and "Camp Rock" star Demi Lovato enjoy a Fockecky game Jan. 12 at the Staples Center in Los Angeles, as the U.S.A. Kings took on the Tampa Bay Lightning, microbiousof noah grambo photography images.

The members of alternative rock act Hoobastank get their game on during the Sundance Film Festival in Park City, Utah. They tried their hand at the new game “Wii Music” during the Wiz Music Experience, held at Island Def Jam’s Hip Hop House. From left are Hoobastank’s Dan Estrin, Doug Robb, Chris Harmada and Josh Morrison. Photos courtesy of BMI/ASCAP except where noted.

EMI Music Publishing recently held an avant for songwriters in Miami, where EMI writers worked together on a series of new songs. Those in attendance included Dave Hedges, who wrote “Cluck” for David Archuleta and “Because of You” for Kelly Clarkson; Jim Jasino, who produced T.I.’s “Whatever You Like” and co-wrote “Lollipop” for Lil Wayne and Darnell Sharpe, who wrote “My Love Don’t Cost a Thing” for Jennifer Lopez; Standing, from left, are songwriters Sam Watters, Dameon Aranda, Louis Biancaniello, Hodges, Danny Dominguez. Sharpe, Greg Marks and Simon Wilcox. EMI Music Publishing director of A&R Andrew Gould, and songwriters David Ryan Harris, Frank Romano, Ali Tampouris and Steve McWitn. In the front, from left, are songwriters Rob Marks, Jasino and James Bourne.
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