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**CONCORD:
SMALL COMPANY
WITH BIG VISION**
LIFE AFTER 'GENIUS' >P.28

**CLEAR CHANNEL
ENTERTAINMENT
GOES SOLO**
WHAT THE SPINOFF
MEANS TO RADIO >P.8
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**LOST SONGS:
WHO GETS
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INDUSTRY GROUPS SEEK ANSWERS >P.26

SYSTEM OF A DOWN

**FOR HARD
ROCKERS,
TWO ALBUMS
ARE BETTER
THAN ONE** >P.24

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Sounds like



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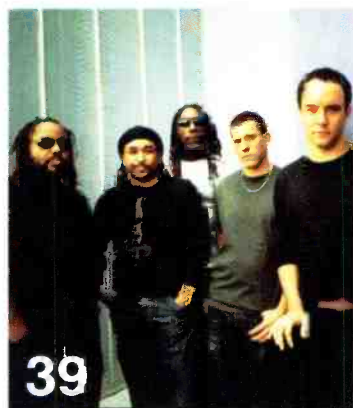
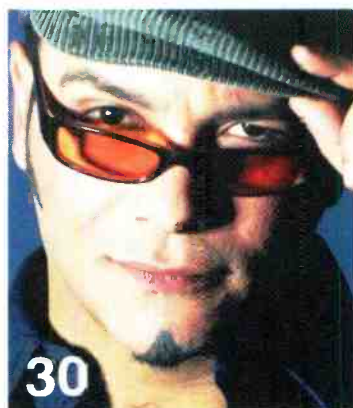
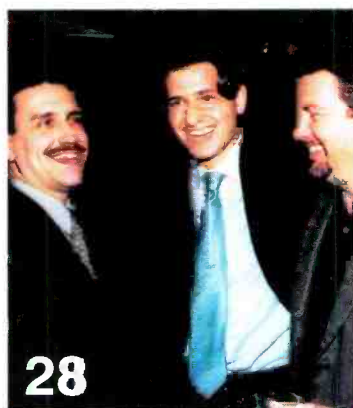


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THIS WEEK ON .biz

On Monday 5/9 log on to .biz to learn how a Jacobs Media study of rock listeners shows radio how to fend off new media.

Comments about Billboard's new look? Send them to redesign@billboard.com.



ABOVE: Dierks Bentley makes the road his home. See page 42.

ON THE COVER: System of a Down will offer its political passions across two CDs this year. Photo by Ian Jennings

BY TIM BROOKS

Our Recorded Heritage Deserves To Be Heard

Record companies have long treated catalog product—whether created by them or inherited from companies they acquire—as an asset they could exploit or ignore at will. Mostly they have ignored it, reissuing a tiny percentage and locking the rest away.

What has also been ignored is the social harm this can do. In researching a book about the earliest African-American recording artists, I was able to identify about 400 commercial recordings black artists made before 1920 that a rights holder still owns today. Of those 400, rights owners have reissued exactly two (one-half of 1%) during the entire CD era. This is a scandalous suppression of our history in the name of “rights.”

Another study indicates that of all the historically important recordings issued in the United States before 1965 that are still owned by someone, only 14% have been made available or licensed by the rights holders—and most of those date from the 1950s and early 1960s.

Record companies may be forced to change this “lock it up” approach. The failure of rights owners to make older recordings available has led to a vibrant underground reissue business, spurred by the easy manufacture of CDs. More important, it has led to a growing roster of foreign labels—not subject to our laws—that are reissuing older American material and selling it in the United States.

Thanks to the Internet, this field is exploding. While U.S. rights holders have reissued only 14% of important pre-1965 recordings, nonlicensed and foreign com-

panies have made available nearly twice that number—without paying the owners. Foreign companies are literally selling our culture back to us.

Control is illusory. For example, even if the European Union lengthens its copyright term for recordings beyond the current 50 years (which is uncertain), it will not make it retroactive. Pre-1955 material is lost there.

The way I see it, one of three things will happen:

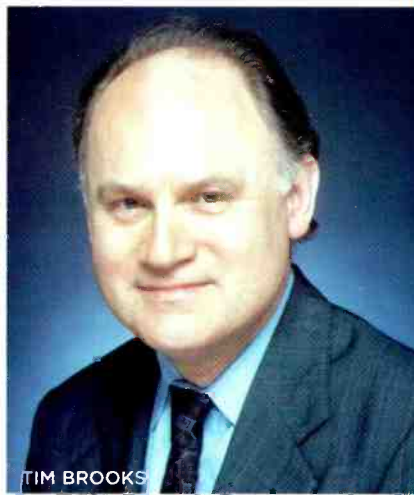
1. The status quo continues. U.S. companies refuse to reissue older material or allow others to do so on reasonable terms (reasonable, that is, to the users). Exploitation of this material moves overseas. Small operators and Web sites in Europe and Canada are very happy. U.S. companies get nothing.

2. Under pressure from archivists and others, the United States enacts a “use it or lose it” law that strips companies of older material that they won’t make available. Don’t think it can’t happen.

3. The United States enacts compulsory licensing for older (and perhaps also for more recent) recordings that are out of print. Anyone would be able to reissue them on payment of a set fee.

The last option could be surprisingly beneficial to U.S. rights holders. They would not have to spend millions trying to push through more and more legal restrictions in every corner of the world. (This only makes the lawyers rich and does little to stem the digital tide.) They would not incur the considerable cost of marketing low-volume back catalog, but they would get a

steady stream of revenue from small U.S. operators, including institutions, that have the passion and small scale necessary to make such distribution work. Plus, a lot of Americans would learn to appreciate our recorded heritage, which can only be good for the business.



TIM BROOKS

Record companies should embrace a system that produces maximum profits for minimum investment on assets they don’t even use.

For once, shouldn’t the U.S. recording industry get ahead of change, rather than letting the lawyers and lobbyists lead it into another Little Big Horn?

Tim Brooks is the author of “Lost Sounds: Blacks and the Birth of the Recording Industry, 1890-1919” (University of Illinois Press, 2004).

FEEDBACK

Welcoming A Pop Barometer

As a longtime newsstand buyer of *Billboard*, I am very pleased that you have instituted the new Pop 100 chart. While I am a very big fan of R&B and hip-hop, the sheer power of rhythmic top 40 radio and its very high rotations in the biggest markets skew The *Billboard* Hot 100 in a way no one could have expected when Nielsen Broadcast Data Systems was instituted. A weak and risk-averse top 40 format doesn’t

help things either.

The Pop 100 is a nice alternative to the Hot 100 in giving a bigger picture to what is more truly popular across a mass audience. A mainstream rock hit like the Killers’ “Mr Brightside” just doesn’t get a fair shake on the Hot 100 anymore.

I spent 10 years in music retail and another 15 in radio (top 40 and AC) and have DJ’ed to a 25-plus crowd for the past nine years. I have noticed that some

of the hip-hop stuff in the top 10 of the Hot 100 was not performing well with an audience that was eating up similar titles only a year or two ago. I even see this with the high-school semi-formals that I occasionally play.

The tides are changing again. Thanks for helping to move things forward with great new additions to *Billboard*!

Steve Sobczuk
Waterloo, Ontario

EXECUTIVE EDITORS

KEN SCHLAGER TAMARA CONNIFF

EDITORIAL

FEATURES EDITOR: Marc Schiffman 646-654-4708
MUSIC EDITOR: Melinda Newman 323-525-2287
BUREAU CHIEFS: Leila Cobo (Miami/Latin America) 305-361-5279 Bill Holland (Washington, D.C.) 202-833-8692 Melinda Newman (L.A.) 323-525-2287 Phyllis Stark (Nashville) 615-321-4284
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STAFF WRITERS: Ivory Jones (Rap/Hip-Hop) 646-654-4647 Jill Kipnis (Touring/Home Video) 323-525-2293 Todd Martens (Indies) 323-525-2292
BILLBOARD.COM NEWS EDITOR/ALBUM REVIEWS EDITOR: Jonathan Cohen 646-654-5582
SINGLES REVIEWS EDITOR: Chuck Taylor 646-654-4729
BILLBOARD.BIZ NEWS EDITOR: Chris M. Walsh 646-654-4904
SENIOR ASSOCIATE EDITOR: Katy Kroll (Special Features) 646-654-4709
ASSOCIATE EDITOR: Margo Whitmire (Film/TV Music) 323-525-2322
COPY CHIEF: Chris Woods; COPY EDITORS: Jackie McCarthy, Wayne Robins
ART DIRECTOR: Jeff Nisbet
EDITORIAL ASSISTANT: Sarah Han (N.Y.) 646-654-4605
CONTRIBUTORS: Jim Bessman, Fred Bronson, Ramiro Burr, Paul Heine, Catherine Applefeld Olson, Dan Ouellette, Tony Sanders, Bram Teitelman, Christa Titus, Steve Traiman, Anastasia Tsioulas

GLOBAL

LONDON: EMMANUEL LEGRAND (Bureau Chief/Global Editor) 011-44-207-420-6155; Tom Ferguson (Deputy Global Editor) 011-44-207-420-6069; Lars Brandie (Global News Editor) 011-44-207-420-6068
INTERNATIONAL BUREAU CHIEFS: Christie Eliezer (Australia), Larry LeBlanc (Canada), Steve McClure (Asia), Wolfgang Spahr (Germany)
CONTRIBUTING EDITORS: Sam Andrews, Juliana Koranteng, Paul Sexton

CREATIVE DIRECTION & CONSULTING

CREATIVE DIRECTION: STARK DESIGN (www.starkdesignnyc.com); DANIEL STARK
ART DIRECTOR: Timothy Jones; SENIOR DESIGNER: Jodi Miller

CHARTS & RESEARCH

DIRECTOR OF CHARTS/SENIOR ANALYST: GEOFF MAYFIELD (L.A.)
CHART MANAGERS: Bob Allen (Boxscore, Nashville); Keith Caulfield (Pop Catalog, Soundtracks, Production Credits, L.A.); Anthony Colombo (Mainstream Rock, Modern Rock, Spotlight Recaps); Ricardo Companioni (Dance Latin, Classical); Mary DeCrose (Kid Audio, Blues, Nashville); Wade Jessen (Bluesgrass, Country, Christian, Gospel, Nashville); Geoff Mayfield (The *Billboard* 200, Heatseekers, L.A.); Patrick McGowan (Adult Contemporary, Adult Top 40, Video, L.A.); Gordon Murray (Billboard Research, Electronic, Jazz, New Age, World Music, Reggae); Silvio Pietrolungo (The *Billboard* Hot 100, Pop 100, Hot Digital Songs, R&B/Hip Hop); Paul Pomfret (Hits of the World, London)
CHART PRODUCTION MANAGER: Michael Cusson
ASSOCIATE CHART PRODUCTION MANAGER: Alex Vitoullis
ARCHIVE RESEARCH: 646-654-4633

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INTERNATIONAL INFORMATION MARKETING EXECUTIVE: Seema Gagliani (London)
INTERNATIONAL INFORMATION MARKETING MANAGER (GROUP): Paul Brigden (London)
SUBSCRIPTIONS: 818-487-4582 (U.S./Canada) 44-1858-438887 (International)

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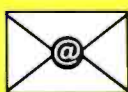
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LOS ANGELES: 5055 Wilshire Blvd., Los Angeles, CA 90036; Phone: 323-525-2300; Fax: 323-525-2394/2395
NASHVILLE: 49 Music Sq. W., Nashville, TN 37203; Phone: 615-321-4290; Fax: 615-320-0454
WASHINGTON, D.C.: 910 17th St. N.W., Suite 215, Wash., D.C. 20006; Phone: 202-833-8692; Fax: 202-833-8672
LONDON: Endeavour House, 159 Shaftesbury Ave., London WC2H 8TJ; Phone +44 (0) 207-420-6003; Fax +44 (0) 207-420-6014
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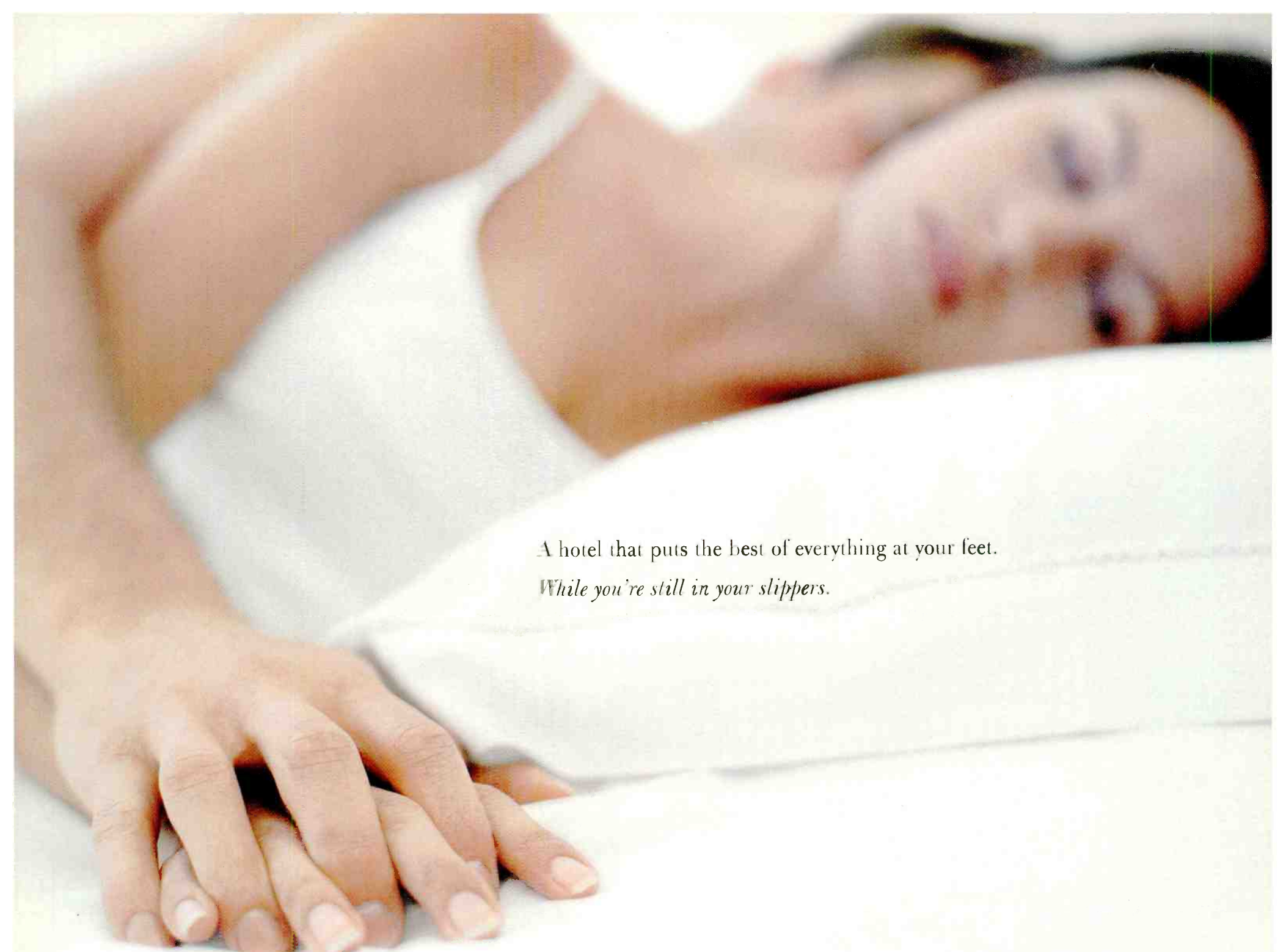
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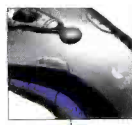




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on eve of stock offer



Shirt Deals
BandMerch takes
concessions online



Re-mouse Control
New Logitech device
controls cursor, media



Chatter Chatter
Canadians debate who
becomes CIRPA head



Here Comes Your Band
Pixies reunion tour
still going strong

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**>>>NIELSEN,
BIGCHAMPAGNE
TEAM UP**

Billboard sister company Nielsen Entertainment and BigChampagne Online Media Measurement have entered a strategic relationship to link airplay monitoring and peer-to-peer download data. The relationship will link Nielsen Entertainment's bdsradio.com to BigChampagne's P2P charts, combining radio airplay "spin" data with "top swaps." The combined analysis aims to provide the radio and record industries with a unique matrix of music consumption measurement.

**>>>EMI JOINS
SNOCAP**

EMI has become the third major label to strike a deal with Snocap, the new copyright management and peer-to-peer filtering service from Napster founder Shawn Fanning. EMI's deal allows Snocap to fingerprint its catalog and ensure that its copyrights aren't illegally swapped on P2P networks that employ the technology. To date, only P2P service Mashboxx has publicly announced its intention to use Snocap, but the company says it is pursuing all other online services.
—Brian Garrity

**>>>LINEUP SET
FOR ACM
ANNIVERSARY**

The Academy of Country Music has announced the lineup for its 40th Anniversary Celebration, set to tape May 18 at the Mandalay Bay Events Center in Las Vegas and air on CBS in December. The two-hour special will feature appearances from Alabama,
continued on >>p8

UpFront

MAY 14, 2005

RADIO BY BRIAN GARRITY and BRAM TEITELMAN

Changing Stations

Modern Rock Acts Promote Music Outside Radio

Modern-rock promotion finds itself at a crossroads as a growing number of terrestrial radio broadcasters tune out the ratings-challenged format (*Billboard*, May 7).

Record companies are attempting to adapt to modern rock's recent marginalization on the airways in major markets like Philadelphia, Miami, New York and Washington, D.C. by emphasizing other options for building buzz.

In lieu of airplay, touring, blogs, ringtones, downloads, Internet and satellite radio, video game tie-ins, alliances with brand marketers, film and TV exposure, sponsorships and placements in commercials all are growing in value.

The marketing strategies for a number of big-name rock artists with current or upcoming releases show that labels are reaching out to consumers through a variety of new channels:

- In a nod to the growing importance of Web communities, Geffen Records' Weezer has become the latest rock act to debut a new album on social networking site myspace.com. The band's "Make Believe," due May 10, is available on the site as a free on-demand stream through release date. Since launching in 2003, myspace.com has gained more than 14 million users, and in February it was the No. 7 Internet site in page views, according to Media Metrix. More than 200,000 bands have their own pages on the site, including major-label acts like Queens of the Stone Age and Oasis.

- Capitol Records debuted the Coldplay single "Speed of Sound" as a ringtone through Cingular Wireless.

- V2 Records rushed "Blue Orchid," the first single from the White Stripes' "Get Behind Me Satan," to iTunes April 18—just two weeks after the duo completed the album.

"It's not too different from what already constitutes successful setup," says Larry Mestel, COO/GM of Virgin Records, which is setting up a release from priority act Gorillaz. "But now it's really important to **continued on >>p8**

GLOBAL BY EMMANUEL LEGRAND and LARS BRANDLE

EMI U.K. Bows Pop/Standards Unit

LONDON—While many record companies are consolidating or eliminating labels, EMI Music U.K. is doing the opposite.

The British company—one of the main suppliers of talent for EMI's global network of operations—is adding another source of repertoire alongside the Capitol and Virgin label groups.

The mandate of the still-unnamed label group is to develop pop, mainstream, adult standard and crossover classical acts.

Mark Collen heads the unit in the newly created position of senior VP of EMI Music U.K. Collen reports to EMI Music U.K. chairman/CEO Tony Wadsworth. The appointment became effective May 1.

"The idea is to add different areas in music that do not usually get as much focus as rock, for example," Wadsworth says. "We want to make sure we are the best in all areas." **continued on >>p8**



Rivers Cuomo of Weezer. The band's new album, "Make Believe" was made available on myspace.com. Photo: Barry Brecheisen/WireImage.com

Brooks & Dunn, Kenny Chesney, Merle Haggard, Alan Jackson, Barbara Mandrell, Reba McEntire, Montgomery Gentry, Rascal Flatts, George Strait and Trisha Yearwood. More artists will be announced later.
—Phyllis Stark

>>> DAVE MATTHEWS BAND SETTLES SUIT

An agreement was reached between the Illinois attorney general and the Dave Matthews Band over an August 2004 lawsuit. The lawsuit claimed the band's tour bus operator dumped its septic tank from a bridge into the Chicago River and onto tour boat passengers. As part of the settlement, announced April 29, the band will pay \$200,000 and keep a log for the next five years of each place, date and time its tour buses dispose of human waste.
—Susan Butler

>>> AOL GRABS CHEVY SPONSORSHIP

America Online has signed Chevrolet as the exclusive sponsor of its in-studio performance program, AOL Music Sessions, through 2005. Financial details were not disclosed with the May 2 announcement, but the pact is reportedly worth \$5 million. AOL and Chevy also will introduce a co-branded feature called "Chevy Backstage Pass" that contains photos, interviews and performance clips from AOL's entertainment properties. Chevy will run a series of contests from May until December offering the chance to attend a taping of AOL Music Sessions. The deal is part of a strategic shift by AOL to move its original music content onto the Web as it evolves from a subscriber-driven Internet service provider to a sponsorship-driven portal.
—Brian Garrity

>>> SONY BMG FORMS SINGLE CLASSICAL UNIT

Sony BMG Music Entertainment has created a new classical music division, Sony BMG Masterworks. The new division will
continued on >>p10

UpFront

CHANGING (cont.)

from >>p7

build up as much around the band as possible—both in imagining and from a fan perspective."

At stake for labels is a three-year upswing in modern rock sales. Despite the genre's radio woes, Nielsen SoundScan reports that modern rock album sales totaled 132.1 million units last year—a 3% boost from 2003. That volume represents 19.9% of U.S. album sales, the genre's largest market share in six years.

But with modern outlets WPLY (Y100) Philadelphia and WHFS Washington, D.C., and active rock WZTA (Zeta) Miami dropping the rock format and WXRK (K-Rock) New York radically reducing the number of current titles it spins, many in the industry are wondering if modern rock sales can sustain that momentum.

"It's changing the artist-development process in a big way," says Marc Geiger, a head of contemporary music for the William Morris Agency and co-founder of the Lollapalooza tour.

The audience for No. 1 modern rock songs, as tracked by Nielsen Broadcast Data Systems,

is already shrinking. April 22 marked a new low for the format, as Audioslave's "Be Yourself" led the pack with just 11.8 million weekly impressions. Compare that with the format's high of 23.9 million impressions for the Red Hot Chili Peppers' "By the Way" in the week of July 19, 2002.

"Good records will find their audience and find their ways to be exposed, but the dynamic of [how much] records are going to sell is going to change a lot," Cornerstone Promotion CEO Jon Cohen predicts. "It's going to be harder to sell mass numbers."

V2 director of marketing Dan Cohen (no relation) says shifts in consumer taste complicate the situation. "Everything's in flux because the lines have been blurred between active rock and alternative rock."

Still, labels are not giving up on radio play for modern acts, even if they are doing their best to get by without it.

Virgin executive VP of promotion Hilary Shaev says labels just need to be more patient.

"Radio can't be the starting gun," she says. "It has to be timed

along with other things or after other things."

To that end, the industry is trying to use alternative exposure to build a "story" that it can ultimately use to win over radio. Such efforts are upping the value of support from digital programmers like Yahoo, MSN, Music Choice, Fuse, XM, Sirius and AOL.

"We have a much deeper playlist," AOL senior VP of programming Bill Wilson says. As stations exit the modern rock format, "it's a huge opportunity that we are taking advantage of."

Acts like Interscope's Audioslave are using the Web to demonstrate demand to radio. The band teamed with radio station Web sites on a download giveaway of second single "Your Time Has Come." Fans could not receive the track until 1 million consumers requested it.

Steve Berman, head of sales and marketing for Interscope Geffen A&M, says: "When you look at the amount of music that's moving around the Internet, you know that people are out there." ...

RADIO BY BRIAN GARRITY

Analysts Rate Clear Channel

In jettisoning its struggling concert business via spinoff and floating a 10% stake in its outdoor advertising operations in an initial public offering, Clear Channel Communications is looking for a valuation from Wall Street that reflects its strength in its core broad-

casting business. pelling, could lead to radio's "consistent underperformance in the near term."

Analysts say conversion of its advertising inventory to reflect a predominance of shorter spots is taking longer than originally anticipated.

A look at the first quarter shows that 60% of the commercials airing on CC's stations are still 60-second spots. Only 30% of ads sold are for 30-second spots.

That is essentially flat compared with the company's advertising mix in fourth-quarter 2003.

The good news for the company is that ad buys of 30-second spots have more than doubled from a year ago, and CC—under the direction of president/CEO John Hogan—is gaining traction with leading advertisers like Verizon, McDonald's, Budweiser, Heineken and Home Depot.

Analysts say that the placement of greater premiums on shorter spots is central to CC's response to new technology-enabled competitors that are picking up listeners on the promise of deeper programming and fewer, or in some cases, no ads.

With radio and outdoor the only two mass-market media for reaching consumers outside the home, McKenzie says CC's proposition to advertisers figures to be enhanced long term in an increasingly technology-fractured marketplace.

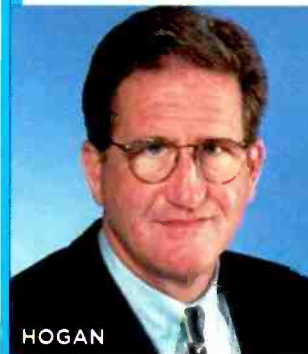
That's where the restructuring comes in. The aim is to provide better insight into the fundamentals and performance of both businesses.

Breaking up unwieldy media conglomerates in the name of value has emerged as a popular option for companies with sputtering stock prices.

Analysts are giving high marks to CC for spinning out the concert business, which has been widely viewed as a drag on the company's valuation. Frederick Moran, managing director of Stanford Group, says, "Getting rid of the entertainment group is a no-brainer. That can only help."

CC did not return calls for comment. ...

Additional reporting by Paul Heine in New York.



HOGAN

casting business.

But unlocking the value of Clear Channel's status as radio industry kingpin figures to be an uphill battle in the short term, industry analysts say.

Investor embrace of the unbundling strategy figures to be challenged for much of the next year by CC's ambitious plan to reduce advertising and promotion clutter on its airwaves by shifting sponsors into fewer, shorter commercials.

Meanwhile the company continues to face myriad question marks on everything from the uncertain fate of the live entertainment arm (see story, page 21) to mounting competition from satellite radio and online music programming.

"Investors will wait for a turnaround in both the entertainment and radio divisions before giving the company full credit for this restructuring," says Maurice McKenzie, a radio analyst with Friedman Billings Ramsey.

The radio division posted a 7% decline in revenue in first-quarter results.

The biggest drag on the radio division's performance this year looks to be its "Less Is More" initiative, which is attempting to push marketers into buying 30-second spots rather than the dominant 60-second ad buys.

Laraine Mancini, a radio analyst with Merrill Lynch, cautioned investors in a May 2 research note that the program, while ultimately com-

EMI (cont.)

from >>p7

"I'm not building a whole new entity, in terms of a brand," Collen says. "We've already got very strong existing brands, which I'm hoping to strengthen and add to, and use the skills within those to cross-pollinate [projects]. My focus at the moment is to really build on those existing brands."

Collen had been New York-based senior VP of global marketing at Capitol for the past three years. Now based in London, he has returned to a division where he worked for 12 years, most recently as managing director of EMI:Chrysalis, now known as EMI Records.

"It's good to have Mark back," Wadsworth says. "He's going to bring a wealth of experience to the company and make an impact not only in the U.K. but also outside with his artists."

Collen's new group will integrate two EMI U.K. sub-labels: Innocent, which was attached to Virgin and developed such acts as boy band Blue and female pop group

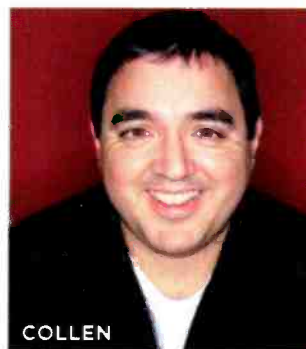
Atomic Kitten, and EMI Liberty, home to EMI's adult standards projects. Current Innocent projects include former Spice Girl Geri Halliwell and solo efforts from members of Blue.

Part of Collen's mission is to take acts with mainstream appeal—like Australian-born country artist Keith Urban, who is signed to Capitol Nashville—to wider audiences. Urban will be released in the United Kingdom through Capitol, but Innocent execs will handle his marketing. Strategic assistance will come from Liberty.

Wadsworth says there is a logic to combining efforts for projects targeting teens and adults. "In terms of marketing, these are quite similar targets," he says. "Radio is less important, whereas TV is more crucial. And there's a crossover demographic for some of these projects. For example, Blue can appeal to young teenagers as well as to older female consumers."

In addition, Collen will assume responsibility for EMI

Classics U.K. following managing director Barry McCann's retirement in July after 30 years with the company. McCann plans to become an



COLLEN

A&R consultant.

Meanwhile, Matthieu Lauriot-Prevost was promoted to senior VP of global marketing, with responsibility for EMI Music repertoire. He was senior VP of global marketing for Virgin Music. He adds to his responsibilities Capitol Music's repertoire stream, which Collen previously handled. Lauriot-Prevost continues to report to EMI Music vice chairman David Munns. ...

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combine the assets of the former BMG Classics and Sony Classical, including imprints RCA Red Seal, Sony Classical, Deutsche Harmonia Mundi and Arte Nova.

The focus will be on classical music in the traditional sense, with efforts concentrated on new projects by major and developing artists, as well as the restoration of the division's catalog.

—Chris M. Walsh

>>> SUMMER AT NAPPY CAMP

Nappy Roots are busy completing an album for release in late August on their own label, Nappy Roots Music. Formerly with Atlantic, the rap sextet is best-known for the 2002 top 20 R&B hits "Awnaw" and "Po' Folks" (featuring Anthony Hamilton). As part of their diversification, they also operate the aptly named winery Nappy Valley.

—Gail Mitchell

>>> HMV UPBEAT ON RESULTS

British retail chain HMV Group said May 4 that it expects to report full-year earnings in line with market expectations, despite suffering from a difficult trading climate in its home territory. For the year to April 23, total sales are expected to rise by 4.7% at constant exchange rates, compared with the corresponding period last year. Same-store sales growth for the 52-week period is expected at 1.1%. HMV will announce preliminary full-year results June 28.

—Lars Brandle

>>> MARTINEZ WINS 'FAMA'

Music reality show "Objetivo Fama" ended May 1 in Puerto Rico with approximately 1 million fans voting Dominican-born, New York-based Anais Martinez the winner. The finale of "Objetivo Fama" was broadcast live from Puerto Rico, giving network Telefutera its highest ratings since the weekly show began airing in January. Martinez's prize includes a recording contract with Univision Music Group. Last season's winner, Janina, released her debut album with Univision in March.

—Leila Cobo

DIGITAL MUSIC BY ANTONY BRUNO

Viralg Touts P2P Solution

Hoping to capitalize on the music industry's battle against online piracy, software developers have offered a number of technologies touted as capable of quelling unauthorized file trading.

Attracting the most attention of late is Finnish firm Viralg, which has boldly claimed that its technology spells the end of peer-to-peer file sharing. The company's software is designed to take advantage of the file identification system used by such P2P services as Kazaa and eDonkey to flood the networks with bogus music files so that users unwittingly download garbled tracks.

P2P services give each file distributed in their systems a

unique identifier, known as a "hash," which the service provider randomly generates and automatically assigns. This identifier is used to group similar files into bundles so users can download different parts of the same file from several users simultaneously, thereby saving time and bandwidth.

Viralg claims it can fool P2P systems by mimicking the hash characteristics of "good" files, thereby polluting the entire pool.

This is similar to the "spoofing" technique used by companies such as OverPeer—which Loudeye recently acquired—that claims to spoof up to 200 million files per month.

Viralg boasts that its tech-

nology is 99% effective but does little to back up this claim, making only vague reference to a "virtual algorithm" it developed in its product specification. Some even believe the whole concept may be a scam, preying on content providers' paranoia over piracy. However, the company claims BMG Finland as a customer and recently won an award for business plan of the year in Finland's Venture Cup competition.

Regardless, a group of Finnish musicians has requested an investigation into the company, saying its technology essentially is a virus and thus violates a Finnish law prohibiting telecom interference.

This is not the first time the legality of spoofing has been questioned. In September, Altnet sued the Recording Industry Assn. of America, OverPeer, Loudeye, Media Sentry and others, claiming their spoofing services violate its "TrueNames" file identification patent. The case is pending.

Spoofing is just one way to make the P2P experience more difficult than legal alternatives. Other software has been developed to target file sharers directly. OnSystems' MediaDefender, for example, launched what amounts to a denial-of-service attack on those uploading music to P2P networks.

The MediaDefender soft-

ware—which is no longer available—would scan P2P networks for copyrighted material and then overwhelm the providers with requests for their files, thus clogging the system and blocking "real" users.

More recently, several anti-piracy "vigilantes" have developed viruses that attack music stored on users' PCs. The newest example is the Nopir-B worm, which originated in France. The worm is distributed exclusively on P2P networks, posing as a DVD copying program that instead deletes all MP3 music files on the infected PC, regardless of whether they were legally obtained.

LEGAL BY BRIAN GARRITY

Linkin Park's IPO Woes

Linkin Park's demand to be released from its Warner Music Group contract on the eve of the major label's planned \$750 million initial public offering is drawing mixed responses from the artist management community.

The band, which is managed by Rob McDermott of the Firm, cites a crisis of confidence over WMG's use of IPO proceeds and its ability to compete on the global stage in the wake of the deal as the reasons it wants out.

However, Linkin Park's decision to take its case public also comes as it has hit an impasse in contract renegotiations with its label, Warner Bros. Records.

Artist managers interviewed by *Billboard* say that while the band's stated concerns may have merit, the move is as much a contract bargaining chip as anything.

Linkin Park is said to be seeking a new contract with an advance of \$60 million; Warner Bros. is offering \$15 million in advance for a five-album deal, sources say. Linkin Park previously renegotiated its deal with Warner in 2000.

"It's 'Show me the money,'" one manager speaking on condition of anonymity says of the band's position. "There could be validity to Linkin Park's claims," the manager adds, "but none of us really know. Have all labels gone from trimming fat to trimming muscle? Yes. Have they all cut so deeply that they can't do the job anymore? Probably yes."

Entertainment attorney Gary Stiffelman, who represents Warner acts like the Doors, Fleetwood Mac, John Fogerty and Stevie Nicks, says a significant pool of shares should be set aside for the artists as a reward, just as any key executive typically is rewarded in similar circumstances.

"A significant component of the purchase price often reflects the anticipated value of the product these artists remain committed to deliver," he says.

A public contract feud with one of its biggest acts just days ahead of an IPO is the last thing WMG wants. The deal is tentatively expected to proceed May 10 with an estimated price of \$22-\$24, sources say.

The company finished third among the major labels in total and current market share last year with 14.7% and 13%, respectively. It saw its U.S. market share slip to 14.9% in the first quarter, compared with 15.4% in first-quarter 2004, according to Nielsen SoundScan.

Meanwhile, Linkin Park has sold more than 35 million

records worldwide in five years. It owes four albums on its existing contract.

Whether the spat affects the WMG IPO or its pricing remains to be seen. Sources familiar with the situation point out that the announcement hit just before a key WMG roadshow meeting with investors in New York.

Further complicating the situation is the Firm's connection to WMG's lead investors, Thomas H. Lee and Bain Capital. Firm founder Jeff Kwatinetz was an adviser to Thomas H. Lee's Scott Sperling ahead of the WMG purchase, and late last year the two private-equity powers acquired a minority stake in the Firm.

Those same investors were identified in Linkin Park's May 2 press release requesting its release from WMG.

"The new owners of the Warner Music Group will be reaping a windfall of \$1.4 billion from their \$2.6 billion purchase a mere 18 months ago if their planned IPO moves forward. Linkin Park, their biggest act, will get nothing," the press release stated. "Of the planned \$750 million raised by an IPO, only about \$7 million will be put toward the company's own operations, with no money going to WMG artists."

Warner Bros. said in a statement: "While Linkin Park's talent is without question, the band's management is using fictitious numbers and making baseless charges and inflammatory threats in what is clearly a negotiating tactic."

The Firm maintains that its relationship with Thomas H. Lee and Bain Capital has nothing to do with Linkin Park's issue with WMG.

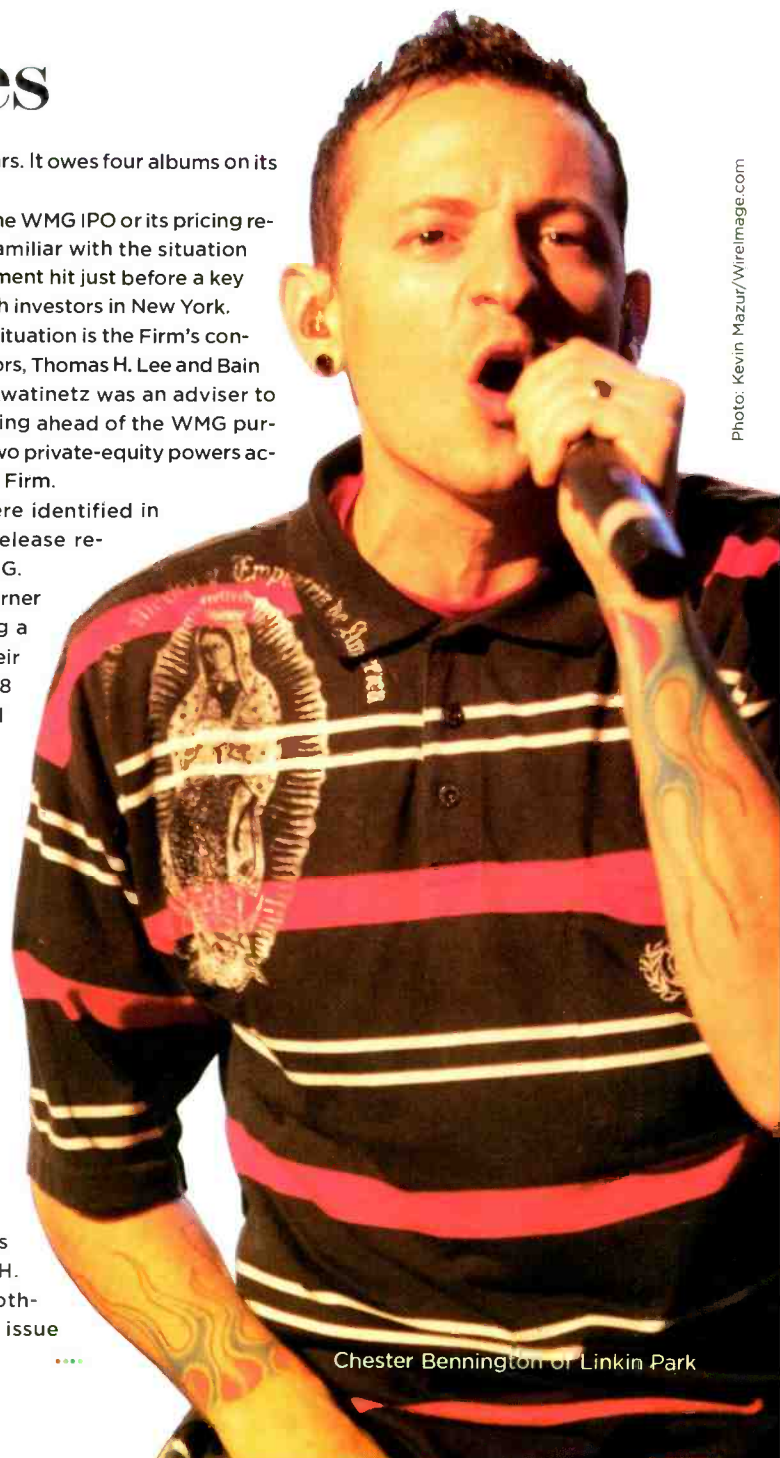


Photo: Kevin Mazur/WireImage.com

Chester Bennington of Linkin Park

GLOBAL BY EMMANUEL LEGRAND

Universal Leads Euro Chart Share

UMI's Slice Of The Pie Increases Dramatically Over First-Quarter 2004

LONDON—Universal Music International's traditional dominance of the European charts remains unchallenged despite the Sony-BMG merger.

The French-owned company scored record chart shares during the January-March 2005 period in singles and albums, according to statistics compiled by *Billboard*.

UMI's European chart share in albums reached 35.1% during the first quarter, a dramatic improvement over the same period of 2004, when it scored a 16.9% share. In singles, UMI posted a 39.2% share (34.3% in 2004).

Universal owes its performance to strong showings from albums released in 2004 including U2's "How to Dismantle an Atomic Bomb" (Island) and Eminem's "Encore" (Interscope). Other acts contributing to Universal's fortune are Keane, Scissor Sisters, Gwen Stefani, Ronan Keating, the Game and Snoop Dogg.

UMI's domestic repertoire also fared well, especially in Germany (Juli, Rammstein, Sohne Mannheims) and France (Calogero, Chimene Badi, Florent Pagny, Michel Sardou).

UMI executive VP of marketing and A&R Max Hole says this quarter reflects the company's strong flow of releases at the end of 2004.

"Last year, we had virtually no new releases during the first half of the year," Hole says, "and it was very difficult. This year, we benefit from albums released in 2004 and new releases too."

Hole says he expects UMI to continue to perform similarly during the rest of the year thanks to a continuous flow of new releases. The second quarter already includes strong releases from 50 Cent, Queens of the Stone Age, Beck and Mariah Carey, and new material from Audioslave, among others.

"The great thing is that we are also breaking new acts," Hole adds, naming Jack Johnson, Madeleine Peyroux, Patrizio Buane, Akon, Kaiser

Chiefs, the Bravery and Lucie Silvas. "Our first half should be excellent," he forecasts.

Second in album chart share during the quarter is EMI with 24.5%, up from last year's 18.4%. The British company benefited from the strong continental and U.K. sales of great-

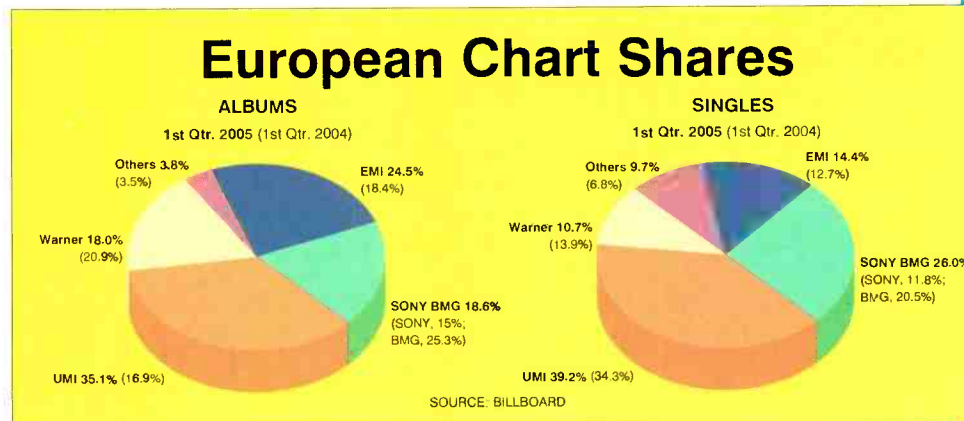
Virgin, respectively.

"Along with significant development stories with KT Tunstall, Willie Mason and LCD Soundsystem, this bodes well for a strong year in new music for EMI," he says.

Sony BMG came in third in album chart share with 18.6%.

chart share, followed by Sony BMG at 26%, EMI at 14.4% and Warner at 10.7%.

Overall, UMI's Hole has also noticed that market conditions seem to have improved in some territories. "In Germany we now have the feeling that things are improving, es-



est-hits packages from Robbie Williams, Blue, Kylie Minogue and Tina Turner, as well as new albums from the Chemical Brothers, Joss Stone, Ray Charles and Norah Jones.

"We had a good quarter in terms of chart share," EMI Music Continental Europe chairman/CEO Jean-Francois Cecillon says, "with some countries like Italy, Holland, Sweden, Norway and Finland doing very well. Our company in Spain is making progress, and so is France." Cecillon cites the greatest-hits albums as strong in France, as well as titles from French acts Etienne Daho, Renaud and Axelle Red.

EMI's U.K. company also had a good chart run during the first quarter with an increasing chart share in albums compared with a year ago (15.7% up from 13.3%).

EMI Music U.K. chairman/CEO Tony Wadsworth says, "It was a chart share increase on the same quarter last year, but more importantly it was achieved through consistently strong performance across both new release and compilations."

Wadsworth adds that he was particularly proud of achieving No. 1 debuts on the U.K. charts during the first quarter from British acts Athlete, Doves and the Chemical Brothers, each of whom represent his company's three frontline labels—Parlophone, EMI and

Top 10 European Albums In Q1 2005

Rank	Artist	Title	Label
1	U2	How To Dismantle An Atomic Bomb	Island
2	Robbie Williams	Greatest Hits	Chrysalis
3	Green Day	American Idiot	Reprise
4	Eminem	Encore	Interscope
5	Maroon5	Songs About Jane	J
6	Jay-Z/Linkin Park	Collision Course	Warner Bros.
7	Keane	Hopes And Fears	Island
8	Sohne Mannheims	Noiz	Sohne Mannheims/Universal
9	Scissor Sisters	Scissor Sisters	Polydor
10	Blue	Best Of Blue	Innocent/Virgin

SOURCE: BILLBOARD

For first-quarter 2004, a combined Sony BMG would have reached a much higher 40% share. Sources at Sony BMG say that the release schedule of the newly merged company was more geared toward the second quarter, with releases from Natalie Imbruglia, Bruce Springsteen, System of a Down, Oasis, Shakira, Backstreet Boys, Foo Fighters, Santana, Jamiroquai and the Offspring coming in May and June.

Warner album chart share remains stable at 18%, thanks mostly to Green Day's "American Idiot" and the Jay-Z/Linkin Park collaboration "Collision Course." Other strong Warner sellers during the quarter were the soundtrack to the French movie "Les Choristes," Seal's "Best Of 1991-2004," the soundtrack to "Ray" and Michael Bubl 's "It's Time."

Universal dominated the singles listing, with a 39.2%

share, especially for domestic repertoire, and in France the decline is less marked," he says. "And the U.K. market is still resilient. There are still some worrying places such as Sweden or Spain. Europe is not yet out of the woods."

"As an industry, we have seen signs that the market is turning the corner," EMI's Cecillon adds. "Of course there's physical and online piracy, but we are adapting to new ways of consuming music, and implementing at a rapid pace new business models taking into account what consumers want."

He believes CD sales will continue to provide the bulk of the industry's revenue for the years to come, but "digital sales are now a reality and will certainly be a growth driver. We've certainly seen the impact of the arrival of iTunes in several European countries."



Washington Roundup

BILL HOLLAND bholland@billboard.com

Hill To Take Look At Licensing

Lawmakers will soon introduce a bill dealing with streamlined digital music licensing for subscription services. A House panel has nailed down June 23 and June 30 as dates for debate on the prospective legislation.

Talks on the Hill continue as the interested parties—music publishers, record labels and online music services—try to provide lawmakers with input on a fair marketplace apparatus to deal with music licensing for digital subscription services.

There are longstanding complaints from music users that the current compulsory mechanical license provision in the Copyright Act's Section 115 is antiquated.

Even the Copyright Office agrees. Marybeth Peters, the Register of Copyright, has told lawmakers her office supports an attempt to simplify the requirements for obtaining the compulsory license and create a seamless licensing regime.

Labels have complained that the creaky structure of the current law, requiring the licensing of one song at a time, one publisher at a time, is frustrating the introduction of new products.

Online music services want greater clarity regarding so-called "ephemeral" copies in streams—they oppose publishers' claims of a mechanical and performance right.

David Israelite, the newly appointed president/CEO of the National Music Publishers Assn., has said his group would consider a blanket license for subscription services. "We're willing to consider everything between the goalposts . . . anything between pure radio and pure sale," he says.

Rep. Lamar Smith, R-Texas, chairman of the House Subcommittee on Courts, the Internet and Intellectual Property, has held

several oversight hearings on the issue.

Smith has also called a hearing for May 12 that is raising some eyebrows here—an oversight hearing to look at the business practices of the performance right organizations.

ASCAP and BMI operate under consent decrees and have nonexclusive rights. SESAC does not operate under a consent decree and has exclusive rights to their members' songs and catalogs. Sources say the subcommittee has received complaints about SESAC from broadcasters.

Congress has not put the PROs on the hot seat for nearly a decade. In the mid-'90s, Rep. F. James Sensenbrenner Jr. responded to complaints from bar owners and retailers about heavy-handed licensing tactics in the field, introduced his Fairness in Music Licensing Act.

That bill, now law, created a license fee exemption for such businesses. It has significantly cut into revenue from background music licenses. Its repercussions overseas also caused complaints from foreign PROs resulting in the United States being slapped with trade penalties.

Smith has also announced an oversight hearing on international trade and intellectual property for May 17, a patent reform bill hearing on May 24 and a review of the Supreme Court's Grokster decision in July before the summer recess.

On the Senate side, Sen. Orrin G. Hatch, R-Utah, chairs a reconstituted Intellectual Property Subcommittee within the Judiciary Committee. Insiders expect he and ranking member Sen. Patrick Leahy, D-Vt., to forge a bill dealing with peer-to-peer "bad players" once the Supreme Court hands down its decision on the liability of P2P services in the Grokster case.

Making The Brand

MICHAEL PAOLETTA mpaoletta@billboard.com

Jaguar Takes Tunes For A Drive

Ford Targets Potential Jag Buyers With Boxed-Set Giveaway

Automotive giant Ford is putting some teeth into promoting its upscale Jaguar brand through some strong musical relationships.

Ford is readying a four-CD boxed set titled "Jaguar 2005, Volume 2.3 and 2.4." The dance/electronic collection (with dollops of rock) is available as a giveaway to potential Jag buyers who sign up for a test drive at jaguar2005.com.

The boxed set—5,000 were produced—was given away at a couple of Jaguar/DKNY Jeans-sponsored events at Lago Sol in Rancho Mirage, Calif., coinciding with the just-completed Coachella music festival.

"We want to connect with a younger audience," says James Thomas, communications director of Jaguar Cars North America, which has used the music of Sting, Etta James and Moby in its TV ads.

Thomas says the plan is to reach the desired demographic "in a language they understand—where music and lifestyle meet."

General Motors and other automakers also are attempting to reposition their brands to attract a more youthful audience by incorporating cutting-edge music into their marketing.

To reach the coveted, taste-making and trendsetting youth market that has plenty of disposable income, GM's Pontiac division has partnered with under-the-radar acts Kasabian and Citizen Cope. Both have music featured in current TV spots for Pontiac's new G6 model (*Billboard*, April 30).

At Ford, the boxed set is part of Jaguar's 2005 lifestyle marketing program for all of its models; it follows in the footsteps of last year's campaign, which also featured a four-disc set. The campaign concentrated on Jaguar's premium X-Type sedan.

Unlike its predecessor, which spotlighted the turntable



STEPHENSON

skills of four DJs, the 2005 boxed set focuses on music supervisor/DJ Jason Bentley, who compiled and mixed the discs.

Bentley was hired for the job by Chris Stephenson, CEO of Antenna, a Los Angeles company specializing in brand strategy and music placement. Antenna counts Ford among its many high-profile clients.

Stephenson is a fan of Bentley's rhythmically savvy daily radio show "Metropolis" on noncommercial radio station KCRW Santa Monica, Calif./Los Angeles. In fact, many of the artists featured on "Jaguar 2005" are often heard on "Metropolis."

For the most part, Bentley says he had complete musical freedom, but Jaguar did have one stipulation: "They didn't want me to use music from major labels."

So, Bentley went with unsigned artists and those signed to independent labels. "I'm more than happy to hook up these artists in this way," Bentley adds. "I'm helping to connect the dots between the artists and music fans."

"Jaguar 2005" includes tracks by Lemon Jelly ("Make Things Right"), Cut Copy ("Future"), Swayzak ("Another Way"), Mylo ("Emotion 98.6"),

Zoot Woman ("Grey Day") and Plej ("Lay of the Land").

While music fees were not revealed, sources involved in similar projects say tracks go for \$300-\$1,500 for such uses.

"It's a one-time flat fee," Bentley notes, "and I do impress upon each artist that the association creates awareness of them with a distinctive and cool brand."

Stephenson adds, "It is also an emotional brand, with people connecting emotionally to it—just as they do with music."

In addition to the CD giveaway, jaguar2005.com features a streaming media player that is home to 70% of the music in the boxed set. An online campaign encourages people to visit the site.

Looking ahead, Thomas says Jaguar is changing as a brand. With a new ad agency in tow—Euro RSCG/Fuel—Jaguar will be given a new creative look in the fall, setting up the debut of a new sports car that ships next year.

"It defines a new look for Jaguar—more masculine," Thomas adds. "It will be the future of the brand." And yes, he says, music will play a major role. ...

UMG SPONSORS GET ONLINE STORES

NEW YORK—Universal Music Group is launching a white-label download store that it will make available to corporate sponsors for use in marketing campaigns and promotions featuring giveaways of music from UMG acts.

Bottled-water company Nestlé Waters North America has signed on as the first user of the system, which UMG developed with digital media services company 24/7 MusicShop.

Labels of Nestlé Waters products will feature promotional codes that can be used

promotion, a growing number of brand marketers are looking to add digital-music components to their campaigns.

"It's an attractive added value for almost any Web site to offer music," 24/7 CEO Frank Taubert says.

UMG's effort is designed to offer sponsors direct relationships with labels. Until now, download retailers like iTunes, Napster, Sony Connect and RealNetworks have been the primary partners for corporate America in such deals.

UMG, which is paid by the sponsor for all downloads re-

"It's an added value for almost any Web site to offer music."

—FRANK TAUBERT of 24/7 MUSICSHOP

to redeem downloads at a branded online store featuring UMG's digital catalog of more than 100,000 tracks.

Universal Music & Video Distribution, which has its own corporate partnerships group, is overseeing the effort.

MORE STORES COMING

Susan Roberts, senior VP of new media at UMVD, says it expects to roll out digital music offerings with dozens of corporate partners before the end of the year. She says UMVD will offer a mix of broad-based, genre-based and artist-specific stores, depending on the needs of the sponsor.

The company also expects to use the service in the context of independent retail and online communities.

"It's a template-based system that allows us to work with many different partners at once and manipulate our digital catalog for a variety of specific marketing and commercial purposes," Roberts explains.

24/7 created the template and is hosting content for UMG; UMVD will tailor and operate the stores on behalf of its corporate partners.

In the wake of corporate-sponsored download giveaways like the Pepsi-iTunes

deemed, considers the service to be a promising new revenue stream. Direct deals offer higher return to a label than a retail-driven promotion, which splits download profits between the label and the merchant.

The UMG-Nestlé Waters deal is an outgrowth of the latter company's 10-year distribution alliance with Universal Studios Theme Parks, now in its third year. The UMG service will be part of a larger entertainment promotion by Nestlé Waters called "Choose Your Adventure," which draws on theme park and movie elements.

Codes on bottle labels can be used to enter a sweepstakes that includes daily download giveaways. Nestlé Waters—which counts Perrier, Poland Spring, Deer Park, Arrowhead and S. Pellegrino among its brands—will give away more than 30 downloads per day.

Larissa Hrabec, senior marketing manager of national consumer promotions at Nestlé Waters, says, "As a company, we are looking to target a younger audience—the 18-24 sweet spot—and get a little younger with our brands. The music download offer is something very attractive to that audience." ...

TOURING BY JILL KIPNIS

CCE ANTICIPATES UP FOR LAS VEGAS

Clear Channel Entertainment will be living it up in Las Vegas with the formation of a new division called Clear Channel Entertainment Productions.

CCEP, which will be headed by Scott Zeiger, the former CEO of Clear Channel Entertainment's theatrical division, will develop new content with a focus on fixed-based attractions and touring enter-

tainment events.

For example, the division will develop a new version of Andrew Lloyd Webber's "The Phantom of the Opera," which will open later this spring as a permanent show at the Venetian Resort Hotel and Casino in Las Vegas.

Additionally, CCEP will develop programming and operate showrooms and theaters at the new Planet Hollywood

Resort and Casino.

Zeiger will also further the company's relationship with Cirque du Soleil by helping launch the first arena concert tour of the performing arts group in January 2006.

Other CCEP projects will include involvement with Blue Man Group's permanent show opening at Toronto's new Panasonic Theatre next month.

The division will also explore ancillary opportunities in the areas of film, TV and DVD.

Zeiger, whose official new title is chairman/CEO of CCEP, has produced more than 50 Broadway shows as head of CCE Theatrical and oversaw CCE's 20 owned and operated theaters. The division will be located in CCE's offices in New York. ...

Black Music Month Is Coming

to the jazz channel.



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Silk & Sandpaper Tour
Angie Stone
June 15th & 29th @ 10pm



J&R Presents
Ronny Jordan
June 6th & 20th @ 10pm



J&R Presents
Rhian Benson
June 6th & 20th @ 10:30pm



J&R Presents
Lalah Hathaway
June 16th & 30th @ 10pm



J&R Presents
George Duke
June 16th & 30th @ 10:30pm



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RETAIL BY JILL KIPNIS

BandMerch Surfs The Web

Merchandising Company Boosts Business With Online Promotions

Don Delson's goal is to "think outside the T-shirt."

Delson, the founder and president of 5-year-old music and entertainment merchandising company BandMerch, believes the business has unlimited sales potential. "We take the approach that the revenue pie is infinite," he says. "You make the pie bigger by being proactive."

BandMerch offers interactive promotions driven by online business. Its products can be ordered directly through its Web site (bandmerch.com) or through links on an artist's home page.

Delson points to a promotion the company spearheaded last spring for its original client, Linkin Park, as a prime example. BandMerch produced a pre-tour T-shirt available only through its online store. With each shirt, the purchaser received a coupon redeemable at merchandise booths on the tour for a free, exclusive embroidered patch.

The total Linkin Park merchandise pie increased, Delson says, because many coupon-bearers bought additional merchandise at the shows.

Another interactive promotion surrounded Megadeth's winter tour. Fans who purchased a special CD/T-shirt bundle through the BandMerch-run band site could submit a demo for evaluation by Dave Mustaine. The Megadeth frontman chose three winners, who received a personal critique and a guitar package worth more than \$3,000.

Such promotions increase BandMerch's business while boosting an act's brand, Delson says, and will serve as a major part of most upcoming relationships. "We see ourselves as a marketing merchandising company that builds brands for the artist," he explains.

Agoura Hills, Calif.-based BandMerch has about 50 employees and generated \$20 million in revenue in 2004. It works with 50-60 acts, designating a staff product manager for each act. Last year, the company opened an office in New York's SoHo neighborhood.

BandMerch offers four merchandise services: touring, licensing, retail and online stores. Touring and retail are its largest revenue generators, according to Delson.

In the tour merchandise area, BandMerch differs from such large competitors as Signatures Networks (which works with more than 125 acts) in that it does not offer advances.

"We'll do a lot of 80/20 net splits, where the artist and us share in the revenues after expenses are deducted," Delson explains. (The artist gets the bigger share.)

Zig Zag Communications' Drake Sutton-Shearer, who manages rock act Trapt, notes that the band's "per heads" have increased since it worked with BandMerch on its last tour.

The company has created custom road cases that contain special lighting and signage for tour setup. Additionally, it uses satellite-driven credit-card machines on tour, which Delson says can increase sales 10%-15% a night.

"Our experience is that [BandMerch employees] are great salespeople, and they look for opportunities to increase their business and ours," Sutton-Shearer says. "We'll use them online for our next album cycle."

Delson says this year the company is pursuing co-branded deals that cross-pollinate the Web and touring.



The Indies

TODD MARTENS tmartens@billboard.com

MDM Musicrama Signs Deal With Koch

It has been a busy few weeks for distributor MDM Musicrama, which is owned by Sheridan Square Entertainment. Last month, the company left its New York offices for a move back into its Long Island City, N.Y., warehouse, and Musicrama recently completed a pick, pack and ship agreement with Port Washington, N.Y.-based Koch Entertainment Distribution.

Beginning May 2, Koch started distributing much of the Musicrama roster, which includes Artemis Records (also owned by Sheridan Square). The Musicrama warehouse will handle some special marketing and Latin projects.

Koch Entertainment Distribution president Michael Rosenberg says Musicrama will be billed based on volume, and the service includes a limit—believed to be about 5,000—on the number of titles Koch will ship. Rosenberg says it is a "rel-

atively short-term deal."

Additionally, sources say the company has essentially abandoned its MDM division (short for Musicrama Distribution and Marketing), which was primarily dedicated to expanding the distributor's offerings into rock and hip-hop via third-party deals. Sources say the company will still seek third-party distribution agreements, but label and marketing director Mike Worthington and Southwest sales manager Curtis Hawkins have been let go.

Sheridan Square has also been busy, recently signing a letter of intent to merge with Hirsch International (*Billboard*, April 30) and last year acquiring Compendia Music Group. A handful of layoffs followed the latter acquisition, but sources stress Musicrama is not in a downsizing mode. In fact, those contacted said the company would soon be hiring ad-

ditional sales staff, and Duncan Hutchinson, who led MDM, will remain.

CHART VICTORY: Every album in the top 50 of the *Billboard* Top Independent Albums chart from Chicago-based rock label Victory Records took a leap for the week ending May 7.

Newcomer Sinai Beach entered the tally at No. 15 after selling 4,600 first-week copies, while six other Victory acts experienced at least a 10% sales increase. "The Silence in Black and White" from Hawthorne

Heights shot 12-5 on a 23% sales burst, and Comeback Kid's "Wake the Dead" re-entered the chart at No. 40 on a 59% sales hike.

Partly fueling the sales is a massive campaign Victory launched with Best Buy. An ad in Best Buy's Sunday circular for April 24 highlighted 16 Victory CDs on sale for \$9.99, and a Los Angeles store dedicated two endcaps to the hot label.

A clerk at the Los Angeles outlet says the endcap will be up until late May. Those who buy a Victory album receive a

free 17-track sampler. The samplers are on display and are not shrink-wrapped, with the clerk noting that the samplers are disappearing at an even greater rate than the CDs.

"They're just sitting out here," he says. "We try to stop people if we see them take it, but we don't lose any money if they make off with one."

Additionally, Victory street teams have been passing out thousands of \$9.99 coupons for the big-box retailer. Dubbed "The Music Pass," the coupon is valid until July 31, allowing fans to receive the discounted price on a dozen Victory titles after the endcap is taken down.

EAGLE EYES LABEL: Eagle Rock Entertainment is reviving its Spitfire Records imprint. The hard rock and heavy metal label was first launched in 1999, and has been somewhat dormant of late. Eagle

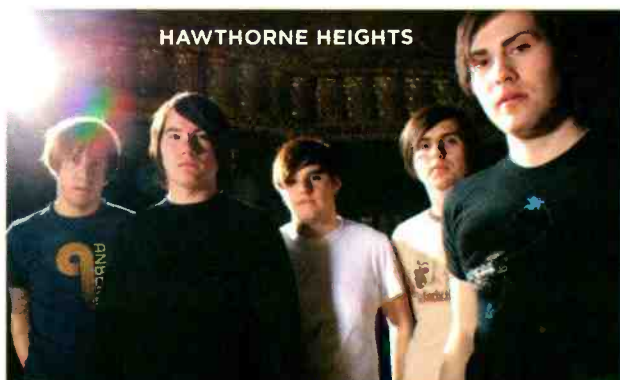
Rock has begun signing artists to the label again, and will issue albums from the Duke and Nashville Pussy later this year.

Additionally, the company announced that most Spitfire Records releases will be lowered from \$14.98-\$17.98 to \$13.98. Double-disc catalog items will be lowered from \$18.98-\$24.98 to \$15.98. Spitfire has released titles from Alice Cooper, Zakk Wylde and Cradle of Filth, among others.

The company is set to launch a large marketing campaign in support of the new pricing initiative. Advertisements are plotted for Revolver and Metal Edge, and the label is in the process of building its first page on Myspace.com.

Eagle Rock is based in London and is distributed by New York's RED Distribution.

Additional reporting by Ed Christman in New York.





Brewing Up Business

A Former Starbucks Exec Has Some Advice For Music Retailers

When an 800-pound gorilla starts acting like an 800-pound gorilla, it is always wise to step up and take notice.

Starbucks has been involved in music since 1995, when it began putting together and selling compilations as an outgrowth of its effort to customize its retail environment. In October 1999, it acquired the Hear Music chain for \$8 million, according to a Securities and Exchange Commission filing.

But it wasn't until last fall, when the Seattle-based coffee retailer flexed its muscles with the Ray Charles album "Genius Loves Company," that the music industry began to pay attention.

I have to admit, while I was aware that Starbucks appeared to be supplanting McDonald's as the brand with the most U.S. storefronts, I took little notice because I don't care for their coffee, being a Dunkin' Donuts drinker. But clearly I am in the minority.

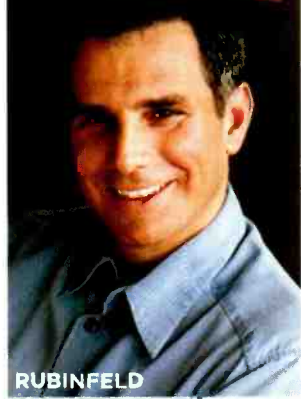
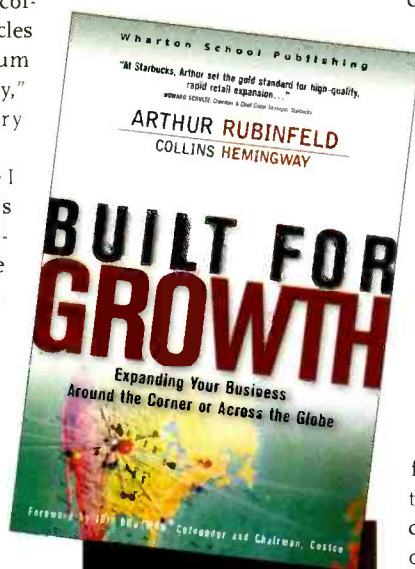
When the opportunity came along at the South by Southwest Music Conference to visit a Starbucks location equipped with a CD-making kiosk, of course I took advantage of it. I went with a friend, a Wall Street analyst who follows the coffee merchant. I had one cup of coffee and made two compilations. The cost? \$43.16 for the music, about \$3 for the coffee, and an hour and a half playing with the kiosk.

We took that long because we spent 35 minutes waiting for the compilation to be made, despite an electronic message board that assured us it would take only six minutes. About 20 minutes in, with no CDs in sight, we were calling Starbucks a bunch of liars. But about 25 minutes in, we realized Starbucks wasn't a bunch of liars, we were idiots. The machine was malfunctioning, and a stop at the counter brought out an assistant manager as nice and friendly as can be, who fixed the problem and had us on our way within 10 minutes. Despite the wait, a most pleasurable experience.

As we were driving away, my

buddy observed that we had dominated two of the kiosk's stations for an hour, and all that Starbucks got from us was about \$60, not including the coffee. In other words, the kiosks failed on dollar volume, space, time and investment—any way you want to measure it. But I countered that Starbucks got 43 bucks that it probably wouldn't have. To be sure, I wasn't about to buy a second cup of coffee.

But my appetite for information about the coffee chain



remained unabated, so when I got back from South by Southwest and heard from a publicist touting a new book, I grew a lot more interested when I found out the author is a former Starbucks senior executive.

Arthur Rubinfeld was executive VP at the chain from 1992 to 2001. When he joined to orchestrate Starbucks' expansion, it had 100 stores; when he left, it had 4,000.

Rubinfeld went on to found Airvision, a Seattle-based retail consulting firm whose clients include Adidas, Gateway and Musicland. He also wrote, with Collins Heming-

way, "Built for Growth," which looks at every aspect of building and maintaining a retail operation.

Starbucks didn't get where it is simply by opening stores, Rubinfeld tells *Billboard*. "It looked at expanding into other categories that were important to the lifestyle of the Starbucks customer."

The coffee merchant's entree to the music business, Rubinfeld says, resulted from being "very sensitive about what played in our stores, because that is part of the Starbucks environment and experience." In addition, he cites the "excellent" musical taste of Starbucks visionary Howard Schultz: "He drove the in-store play and had a point of view on music."


Like most merchants, Starbucks was aware that "without the careful control, the employees rig the music to what they want to play," Rubinfeld says.

In "Built for Growth" Rubinfeld writes that going forward there will be three types of successful retailers: the ones that offer exclusive merchandise, the ones that target lifestyles and the price/value ones.

Speaking of price/value merchants, the book notes that Wal-Mart loses 46% of its 1.4 million employees every year. "Someone at that company," Rubinfeld writes, "must realize that better pay and benefits would cost less than training 640,000 new employees every year."

One chapter is particularly relevant to today's music business. It notes that when a category collapses to a commodity, and convenience and price are the only drivers, it is time to find a niche. But the book also points out that sometimes you can reposition an old commodity or concept, as Starbucks—and McDonald's and Howard Johnson before it—has done.

In little more than a decade, Starbucks has evolved from a roaster and seller of coffee beans (under its original owner) to a provider of specialty coffee and pastry (under Schultz's leadership) to a community hangout. And now it's a music retailer too.



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Asian Companies In Race For iPod-Buster

The picture shows a model taking a bite out of an apple. It is part of an advertising campaign to promote the latest iriver-brand digital music player, the H10, by South Korean audio company ReignCom. The tag line is "Sweeter one."

This ad illustrates the tough fight Apple Computer faces in Southeast Asia's digital portable audio market.

Japanese and South Korean electronics companies are meeting the challenge posed by the extraordinary popularity of Apple's iPod—in their home markets and elsewhere—with a new generation of portable players.

A generation ago, Japanese electronics giant Sony pioneered portable audio with the Walkman. Apple has claimed a 50% share of Japan's portable-digital-music-player market since it launched the iPod mini there in July 2004.

Apple says it is aiming for an 80% share following the introduction in January of the

iPod shuffle, which sells for about 10,000 yen (\$93).

In South Korea, the primacy of flash-memory digital music players made it one of the few territories in the world where the iPod did not dominate, until this year. At its peak, in 2003, ReignCom claimed to have more than 50% of the South Korean portable-music-player market.

But like other South Korean electronics firms, ReignCom saw its market share slide when the low-priced iPod shuffle arrived.

Now these firms are slashing prices and adding features to their portable players to win back consumers.

ReignCom went so far as to run high-profile ads in local newspapers March 1—Korean Independence Day—calling for a "patriotic war" against the iPod.

"Our overall branding strategy is based on product innovation," iriver director of brand marketing Hanna Young says. The H10 is still about \$30

more expensive than the iPod mini, but it has a built-in FM tuner, color screen, voice recorder and digital-photo slide-show capability.

Joining the fray is South Korean heavyweight Samsung Electronics, which has declared its ambition to be the world's top seller of portable music players by 2007. Samsung sold 1.7 million MP3 players worldwide in 2004 and is aiming for 5 million this year.

It is not just about the players: It is about the company's image. Music can drive sales and hipness. Ahn Tae-ho, CEO of the audio division of Samsung, says the portable digital players can be seen as "nurturing Samsung's brand power and enhancing consumers' views of our products."

Not to be left out, South Korea-based LG Electronics introduced its 5GB hard-drive music player in March. LGE has worked especially hard to integrate its Xfree music players with its own download service (lgxfree.co.kr).



In Japan, Sony hopes to steal some of Apple's thunder with the NW-HD5 Network Walkman, launched April 21. Featuring 40-hour battery life and a 20GB hard disk, the unit can play MP3 files as well as Sony's ATRAC-3 format. It will be priced at around 35,000 yen (\$325).

Japanese company Sharp responded to the iPod challenge with the April 15 launch of two portable players geared to help it meet its target 15% share of Japan's portable-audio-player market in a year.

Sharp representative Miyuki Nakayama says the MP-A100 and MP-A200 players can download WMA files from the Web, as well as copy music digitally from CDs and make ana-

log copies from CDs, Mini-Discs and FM radio.

Japanese electronics giant Toshiba is emphasizing visuals with the F Series of Gigabeat portable playback devices, launched between November 2004 and April 2005.

Toshiba says the players can be used to download music directly from 10 Japanese sites, including MSN Music, Excite Music Store, Oricon Music Town and Ongen Music Server.

Another major Japanese electronics firm, Matsushita, is also getting in the game, with four models of Panasonic D-Snap Audio portable players, introduced April 8 in Japan. Their price range is 18,000-28,000 yen (\$167-

\$260). Matsushita seeks a 20% share of Japan's portable-music-player market.

Apple declined to comment on its competitors' plans. The launch of its iTunes Music Store in Japan, expected by the end of the year, could boost iPod sales.

But given the rapid growth of Japan's mobile-download market (*Billboard*, March 26), Asian electronics makers are looking ahead to when mobile phones will come into their own as portable music storage and playback devices.

Nakayama adds, "The market and demand for both digital audio players and mobile phones will expand simultaneously."



Legal Matters

SUSAN BUTLER sbutler@billboard.com

Florida Court Clarifies Law On Publicity Rights

Litigators for the entertainment industry were caught up in legal storms throughout the Southeast last month.

Warner Bros. Pictures emerged from "The Perfect Storm" in Florida with a sense of clarity. The state's highest court on April 21 interpreted a misappropriation statute, defining "commercial purpose" in a way that effectively permits producers to use an individual's name and likeness in a motion picture without consent.

Many states have laws prohibiting commercial use of a person's name or identity without permission (*Billboard*, March 5). Under a Florida statute, no one may "publish, print, display or otherwise publicly use" a person's name or likeness without consent "for purposes of trade or for any commercial

or advertising purpose."

Warner Bros. released a film in 2000 dramatizing the true story of the fishing vessel Andrea Gail, which was lost in a rare, powerful weather system off the New England coast. No one asked permission from—or compensated—heirs or individuals depicted in the film.

A statement appeared at the beginning of the movie: "This film is based on a true story." A disclaimer was inserted during the closing credits: "This film is based on actual historical events contained in 'The Perfect Storm' by Sebastian Junger. Dialogue and certain events and characters in the film were created for the purpose of fictionalization."

The film fabricated portions of its portrayal of the crew and "took additional liberties"

with their interpersonal relationships, the court noted.

A former crewman and relatives of captain Frank William "Billy" Tyne Jr. and crewman Dale Murphy Jr. sued Time Warner Entertainment d/b/a Warner Bros. Pictures, Baltimore/Spring Creek Pictures and Radiant Productions in U.S. District Court in Orlando, Fla. They sought damages under the state's commercial misap-



Thomas, right, with colleague Jim McGuire

propriation law.

After the producers won a summary judgment and the plaintiffs appealed, the 11th Circuit Court of Appeals (covering Florida, Georgia and Alabama) asked the Florida Supreme Court to determine whether a motion picture was within the meaning of "commercial purpose" under state law.

The court held that as used in the statute, "commercial purpose" does not apply to publications, including motion pictures, that do not directly promote a product or service. The law was not intended to prevent a publication from including names or likenesses, the court wrote, but from associating the name or personality "with something else."

Agreeing with earlier case opinions, the court stated that releasing a publication to

make money through sales of copies—making it "commercial" in this sense—is not the kind of commercial exploitation prohibited by the statute. "Commercial" in the misappropriation and right-of-publicity context is limited to the promotion of a product or service—not as used in an expressive work.

For example, in 1983 the 11th Circuit Court of Appeals held that Bob Dylan and Jacques Levy did not violate the statute when they wrote a song that depicted the murder trial of prizefighter Rubin "Hurricane" Carter. The names used in the ballad were not used to directly promote a product or service.

"This decision effectively ends the case, because it holds that the plaintiffs do not have a claim for commercial misappropriation under Florida

law," says Gregg Thomas with Holland & Knight in Tampa, Fla., who represented the production companies. "All that is left for the 11th Circuit to do is affirm the trial court's decision in favor of Warner Bros."

IDENTITY CRISIS: Up the coast in North Carolina, two Internet users prevailed April 14 in the U.S. District Court in Winston-Salem after the Recording Industry Assn. of America in 2003 sought their identities from two universities without filing lawsuits.

The court held that the universities provided only "transitory communication" and were not required to reveal the identities.

The RIAA says it no longer uses this subpoena process.

MOBILE BY ANTONY BRUNO

BITS & BRIEFS

RHYTHMIC RINGTONES

Samsung and Verizon have introduced a new wireless phone that literally gets the beat. It uses a touch-sensation vibration technology called VibeTonz from Immersion that allows the phone to pulse to the rhythm of selected ringtones. Ringtone developers can synchronize the phone's vibration functions to the melody, beat and dynamics of the music, even if users turn off the audio. The phone ships with 15 preloaded ringtones that feature the vibrating enhancement, and American Greetings Interactive's MIDIRingtones and AG Mobile divisions have integrated the technology into 50 of their best-selling ringtones.

SBC'S WEB BLUES

SBC Communications has launched music-oriented Web site the SBC Blue Room, which features streaming music, artist interviews, live performances and commentary, most of which will be exclusive to the site. SBC said it will refresh content weekly from the company's various music sponsorships, such

as Yahoo Music and DISH Network satellite TV. SBC is promoting the site through a road tour of various community events within its coverage area, as well as through its ongoing marketing partnership with Eric Clapton.

SPRINT GOES REMOTE

Telecom giant Sprint has teamed with streaming media software company Orb Networks to offer its high-speed Internet customers the ability to remotely access their digital media content via any device with an Internet connection. The Sprint Personal Media Link service works only with computers running Windows XP or Windows Media Center Edition XP. With it, users may access music, live TV, videos, photos and other content from their home PC on any remotely connected PC, PDA or cell phone. The service will become a standard feature for new Sprint Internet subscribers, and is a free service upgrade to existing customers.

Nokia Antes Up New Wireless Player, Raising The Stakes For iPod Rivals

Nokia, the world's leading mobile phone manufacturer, has introduced what is by far the most advanced combination of wireless phone and MP3 player, upping the ante for devices hoping to compete against Apple Computer's iPod.

Digital audio devices from Creative Labs, iriver, Dell and even consumer-electronics powerhouses Samsung and Sony have not been able to match the excitement surrounding each revamp of the iPod, and consumers have greeted them with a collective shrug. But the Nokia device, due this fall, and a pending Motorola iTunes phone have shown that music-optimized wireless devices can generate significant buzz alongside the iPod.

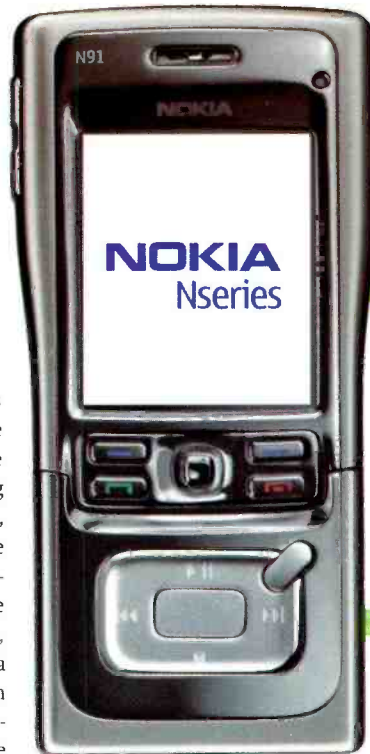
UNIQUE FEATURES

Perhaps the most striking feature of the Nokia N91 is its 4 GB internal hard drive, which can hold 3,000 songs. Samsung previously introduced a 2GB internal hard drive phone, available only in Korea. Nokia's N91 not only has double the capacity, it will be available worldwide.

Unlike other phones, which have small jacks for wireless headsets, the N91 boasts a 3.5-millimeter headphone jack, making it compatible with a wide array of high-end audio headsets. Its integrated Wi-Fi connection allows users to wirelessly drag and drop music files from a PC. This augments its Bluetooth and USB 2.0 connections, which are standard on other music phones.

The N91 also boasts an audio output port for hooking up external speakers or stereo systems. It has a sleek, futuristic look, with music control buttons on a faceplate that slides down to reveal the phone keypad. And, of course, it is compatible with third-generation broadband networks, as Nokia is targeting carriers that will soon launch wireless downloading services.

Bob Shallow, director of rich media and music at Nokia, says, "We're trying to get as far ahead as possible



difficult between different phones on separate networks. Diverse file formats, lack of carrier interoperability and digital-rights-management concerns are all expected to limit the ability to share music wirelessly.

up for Apple's early lead.

Niche MP3-makers like Creative Labs and iriver realize it will take time for the market to mature and for their brand recognition to increase enough to make a significant dent.

Both companies reported

"We're trying to get aligned with the carriers' key objectives."

—BOB SHALLOW OF NOKIA

"Forget it," industry consultant Richard Siber says. "It's just too problematic."

Despite these challenges, wireless-handset manufacturers have the best shot at matching Apple's success in the portable-music-player market. Companies like Nokia and Motorola wield the recognizable brands, marketing prowess and deep pockets needed to make

increased sales for the past quarter. But hitting those numbers required deep price cuts and heavy marketing expenditures, resulting in large operating losses. While this is a typical strategy to gain market share, some observers question whether Creative Labs and iriver can remain in business long enough to see that increase.

and get aligned with the carriers' key objectives."

Motorola is taking a different approach. The company delayed the introduction of its long-anticipated iTunes-compatible phone in part because U.S. wireless carriers objected to Apple controlling the experience. The N91 is compatible with every file format except iTunes.

"Certainly the iTunes brand is a powerful brand," Shallow says, "but it takes away from the brand of the carrier."

Regardless of whether its iTunes incompatibility proves problematic, the N91's cost may limit its mainstream appeal. The U.S. retail price will depend on how carriers make it available to subscribers, but the European price reportedly reaches about 700 euros (\$900). Even with carrier subsidies, the phone likely will cost much more than \$500 stateside.

Questions also surround Nokia's claim that the N91 will allow users to send stored music to others via e-mail, Bluetooth file transfer or multimedia messaging. The prospect of peer-to-peer file-sharing over the phone has generated a degree of interest, but it is not yet clear which devices or music services will be interoperable with the files.

While it may be easy to share a file between two phones of the same type that use the same carrier, it will be much more



LOGITECH MEDIAPLAY CORDLESS MOUSE

As music fans increasingly use home computers as digital music jukeboxes, Logitech has created a remote control allowing users to interact with their media files in a whole new way.

The Logitech MediaPlay Cordless Mouse doubles as a basic scroll-wheel mouse and a media controller. The device features 10 such integrated, backlit media buttons as play, pause, forward, rewind and volume control. Users also can pick up the mouse and, holding it from below, operate it as a remote control from up to 10 feet away.

A button launches Logitech's MediaLife software, an application that aggregates the user's PC-based music, photo and video files into a common user interface. It also provides access to Musicmatch's Internet Radio service as a default, but can be programmed to launch other such media player applications as Windows Media Player or RealPlayer.

The MediaPlay mouse comes in silver, blue, black and red. It retails for \$49.95.

—Antony Bruno

HOT RINGTONES™ MAY 14, 2005

THIS WEEK	LAST WEEK	WEEKS ON CHIT	TITLE	ORIGINAL ARTIST
1	1	12	#1 CANDY SHOP	50 CENT FEATURING OLIVIA
2	2	4	OH	CIARA FEATURING LUDACRIS
3	11	1	WAIT (THE WHISPER SONG)	YING YANG TWINS
4	3	4	DISCO INFERNO	50 CENT
5	5	14	LOVERS AND FRIENDS	LIL JON & THE EAST SIDE BOYZ FEATURING USHER & LUDACRIS
6	4	8	NUMBER ONE SPOT	LUDACRIS
7	6	29	SUPER MARIO BROTHERS THEME	KOJI KONDO
8	27	2	HATE IT OR LOVE IT	THE GAME FEATURING 50 CENT
9	9	29	HALLOWEEN	JOHN CARPENTER
10	7	3	U DON'T KNOW ME	T.I.
11	8	25	1, 2 STEP	CIARA FEATURING MISSY ELLIOTT
12	10	29	DROP IT LIKE IT'S HOT	SNOOP DOGG FEATURING PHARRELL
13	-	1	HOLLABACK GIRL	GWEN STEFANI
14	12	12	O	OMARION
15	10	4	HOW COULD YOU	MARIO
16	15	24	BOULEVARD OF BROKEN DREAMS	GREEN DAY
17	-	1	I'M A HUSTLA	CASSIDY
18	14	25	BECAUSE I GOT HIGH	AFROMAN
19	16	29	BIG PIMPIN'	JAY-Z FEATURING UGX
20	20	11	NUTHIN' BUT A "G" THANG	DR. DRE

Based on data provided by, in alphabetical order: Requeved, Dwanjo, Faith West/Motionies, Intospace Mobile, MIDIRingtones, AG Interactive, XRinger, Zingy and Zango. A Wider Than Company. Chart endorsed by CTIA - The Wireless Association and Mobile Entertainment Forum.

CIRPA Looks To The Future

With President's Term Ending, Challenges Await For Canada's Indie Music Biz Body

TORONTO—The next president of the Canadian Independent Record Production Assn. will face daunting domestic issues as well as the challenge of sharing expertise and experiences with peer industry associations around the globe. Current president Brian Chater is due to conclude his term at the association's meeting June 17 in Barcelona.

CIRPA is a key member of a worldwide loose coalition of independent music companies. The coalition includes such industry associations as the Assn. of Independent Music in the United Kingdom, the Assn. of Independent Record Labels in Australia, IMNZ (New Zealand), ABMI (Brazil), UFI (Spain) and Impala (Europe).

CIRPA, founded in 1975 and based in Toronto, represents the interests of the English-speaking independent music sector in Canada. Its 200 members include Canadian-owned labels, recording studios, audio and video producers and music publishers.

Chater, president of CIRPA since 1987, has forged strong relationships with other independent association heads, particularly with Alison Wen-

ham, chairman and chief executive at AIM, and two Impala executives, VP Patrick Zelnik and deputy secretary general Helen Smith.

"I have tremendous relationships with people all over the world," he notes. "We meet several times a year and discuss how we handle different issues. These days we're not just dealing in our own worlds but in a worldwide context."

Chater lauds the coming of the Assn. of American Independent Music, which is expected to launch within a month in the United States.

"As far as we're concerned, the sooner they are operating the better," he says. "Obviously, the U.S. is the biggest market and it will be helpful to have an independent association there to cooperate with."

Chater's departure comes at a contentious time for Canadian independents. The federal government is expected to announce significant revisions to the Canadian Copyright Act. And the Canadian Radio-television and Telecommunications Commission is slated to announce a review of its commercial radio policy.

Furthermore, funding for Canada's independent sector

could be in jeopardy after federal government funding for its Tomorrow Starts Today cultural program expires March 31, 2006.

The music industry here also is awaiting the results of a Canadian Recording Industry Assn. appeal last month of a 2004 federal court decision that stated the online transfer of unauthorized music files does not constitute copyright infringement under current Canadian law.

However, Chater cautions, "The core issues facing our industry haven't changed over the years. They are still copyright and about independents getting access to funding, distribution and marketing. The difference is each issue is more complicated today."

Prior to coming to Canada from England in 1966, Chater was copyright manager of publisher Mills Music in London. In Canada, he has headed such publishing houses as Burlington Music, Summerlea Music and Almo-Irving Music. He continues to operate his own publishing company, Avenue Road Music Group.

Chater is also a founding and current director of the Foundation to Assist Canadian

Talent on Records (FACTOR) and the Neighbouring Rights Collective of Canada. He serves as secretary treasurer to the Canadian Private Copying Collective and as director of the Canadian Musical Reproduction Rights Agency.

Chater's impending departure from CIRPA hardly comes



"The core issues facing our industry haven't changed."

—BRIAN CHATER OF CIRPA

as a surprise. He was diagnosed with throat cancer in 2002. Though the cancer is now in remission, and he has been working full time for the past year, it has been clear for some time he would soon pass the torch. He will, however, stay on as a consultant to CIRPA for an indefinite period and continue to work with other associations.

FACTOR president Heather Ostertag says, "Brian has been a pit bull for the independent industry in Canada. With very little money, he has produced extraordinary results."

Jim West, who runs Distribution Fusion III in Montreal, and also is chairman of FACTOR and CIRPA, says, "I don't think there would be a CIRPA without Brian."

CIRPA may well be regarded as a model for other international associations in how an organization can influence a national music business.

The association—along with its French-language, Montreal-based equivalent, ADISQ—provides the organizational, commercial and political tools enabling Canada's independent sector to compete nationally and internationally.

CIRPA acts as a lobbyist on

behalf of independent interests with federal and provincial governments. This includes seeking direct financial assistance for recording industry program initiatives.

It lobbied for the formation of FACTOR in 1982 and administered the funding program from 1982 to 1986, pushed for the federal government's Sound Recording Development Program in 1986 and vigorously lobbied for several current funding programs under the Department of Canadian Heritage.

"Canada has the best support system for independent labels in the world," claims Earl Rosen, president of Marquis Records in Toronto. "CIRPA's ability to represent the independents to the government for both financial and non-financial issues, including copyright, and Canadian content quotas for radio, is really important."

Bernie Finkelstein, president of True North Records in Toronto, recalls that at an international independent labels summit during MIDEM in January that "people wanted to hear what we had to say because of the accomplishments we've made in Canada." ...

ITALIAN INDIES QUIT FIMI

MILAN—The Italian record industry's second major schism in recent years has seen 73 of 85 members of trade group FIMI quit the association.

The departing members include leading independents Sugar (the label home of Andrea Bocelli, Elisa and Negramaro), Edel Italy, V2, Alabianca, Carosello, Nar International and New Music International. All resigned after meetings April 26-27 in Milan and Rome. They will form a separate organization.

"The independents had felt suffocated at FIMI for some time," Nar International managing director Mario Limongelli says. "But things came to a head [at an April 4 meeting] when we asked for increased representation within the organization."

FIMI was founded in 1992, primarily as the trade group

for the major labels in Italy.

Many of the departing independents joined FIMI in December 1998 after they split from Italy's older representative body, AFI. Limongelli was a leader of that exodus and became FIMI VP the same year. He has now resigned from the post.

Until April 26, FIMI's 12-member governing council was split between the four majors and five independents, plus president Alberto Pojaghi and director general Enzo Mazza.

The majors' representatives are Sony BMG Italy president/CEO Franco Cabrini (with two votes on the council), EMI Italy managing director Beppe Ciaraldi, Warner Music Italy president/CEO Massimo Giuliano and Universal Music Italy president/CEO Piero La Falce.

The five independents were Limongelli, Edel Italy president

Paolo Franchini, New Music International president Pippo Landro, Sugar Music president Filippo Sugar and Alabianca president Toni Verona.

The independents had sought their own representative body within FIMI, with its own board and a president who would double as FIMI VP.

"The request for our own assembly was intended to make FIMI more dynamic," Franchini claims.

Other proposals included a reduction of the independents' financial contribution to FIMI. According to Mazza, FIMI received 1.5 million euros (\$1.92 million) from the major members in 2004, representing 89.5% of its funding. Indie members contributed 176,000 euros (\$226,400), or 10.5%.

The proposals were voted down at an April 4 council meeting in Milan. "The majors

seemed to be fairly flexible in dealing with our other requests," Franchini claims, "but on the point of representation they simply wouldn't budge."

The major-label representatives on the FIMI council were not available for comment. In a statement, Pojaghi said: "We are naturally sorry that these companies have decided to leave." However, he added that the level of representation within FIMI had to reflect individual members' financial contributions.

"I personally had no intention of leaving FIMI until they turned down our requests," Sugar says. "In many respects it was a sad decision. [But] I had the distinct impression that they took it as an opportunity to get rid of us."

Claudio Ferrante, managing director of the Carosello label, suggests the move

Sugar Music, label home of Andrea Bocelli, is among the independents exiting FIMI.

>>> LOCAL TALENT DRIVES SMEJ SALES

Japan's biggest record company, Sony Music Entertainment (Japan), has reported increased sales for the year ended March 31, 2005.

Revenue for SMEJ and its 30 subsidiaries totaled 154.2 billion yen (\$1.5 billion), up 6.6% from 2003/2004. Of that amount, 85.1 billion yen (\$804 million) came from sales and distribution of recorded music, an 8.1% increase. The remaining 69.1 billion yen (\$652.5 million) consisted of revenue from music publishing, artist management and other SMEJ subsidiaries, up 4.7%.

SMEJ does not release profit figures.

The company says the rise resulted from strong sales of albums by domestic artists. Domestic product accounted for 79.2% of its sales, up from 78.9% in the previous year.

The SMEJ and BMG Funhouse labels maintain separate operations in Japan despite the Sony-BMG merger in the rest of the world. —Steve McClure

>>> U.K. DIGITAL ROLE FOR HMV'S TAYLOR

U.K. music-retail market leader HMV has named marketing director John Taylor to oversee its online activities ahead of the launch of its MusicNet-powered download service later this year.

Taylor takes over from Stuart Rowe as HMV U.K. & Ireland e-commerce director. Rowe recently resigned to "pursue other career interests," HMV said in a statement.

Taylor reports to HMV Europe managing director Steve Knott. An announcement on Taylor's successor as marketing director will be made shortly. Until then, HMV head of retail marketing Ged Hopkins will manage the marketing department. —Lars Brandle

>>> LAMPCOV EXITS KOBALT

Record producer Bruce Lampcov has exited as managing director of Kobalt Music Services, the administrative division of London-based music publisher Kobalt Music Group.

Detroit-born Lampcov joined Kobalt in July 2001. He had been VP of international business at Los Angeles-based ArtistDirect. In a statement, Kobalt Music Group said Lampcov "exited the company to pursue personal interests."

The company said locally based full-time staff and consultants in New York and Los Angeles will be hired to carry out Lampcov's primary role of U.S. business development. They will report directly to Kobalt Music Group founder and CEO Willard Ahdriz. —Lars Brandle



SUGAR

could be positive for the independents. "The interests of the indies and the majors are changing; the indies are run by entrepreneurs, rather than managers, and they often risk their own capital. The time has come for these entrepreneurs to pull together."

Franchini adds: "It could be a new start. I'm sure that we can work alongside [FIMI] when it comes to dealing with the government and other institutions."

However, Italy now will have four record company trade groups: FIMI, AFI, Audiocoop (a group of smaller indie la-

bels) and the new association, which is due to be formed within the next few days.

According to a statement from Pojaghi, "Even if Italy's medium- and small-sized record companies are now represented by four separate bodies, FIMI will continue to follow the problems of the indies attentively."

Many Italian indies are distributed by majors, and executives emphasize that the split will not affect business relations.

According to FIMI, trade shipments in Italy in 2004 were worth 280 million euros (\$360 million). Estimates of the indies' share vary, but Limongelli suggests the splitting members, "along with others that we hope to attract," could account for 15% of the market.

FIMI has yet to disclose its plans after its 12 remaining member companies met April 29 in Milan. The future of subsidiary performance rights collecting society SCF is still unclear. •••

GLOBAL BY JEFFREY DE HART

Swedish ISP Suit Settled

STOCKHOLM—An out-of-court settlement has ended copyright-infringement proceedings initiated by Swedish entertainment-industry trade groups against one of the country's leading Internet service providers.

The Swedish affiliate of the International Federation of the Phonographic Industry and local film/video and soft-

ware industry anti-piracy body Antipiratbyrån on March 9 filed a complaint in Stockholm District Court, alleging copyright infringement by ISP Bahnhof.

sel Henrik Pontén says the servers also held 5,500 illegal copies of computer software and games and 1,800 movies, much of which had not yet been released to the video market. Bahnhof management denied involvement in piracy activity, and after an internal investigation, suspended two employees. Pontén says both were nonmanagerial staff responsible for administering hosted sites. They face criminal charges, he adds.

Mårtensson and Pontén confirm that the settlement absolves Bahnhof and its senior management.

"[Bahnhof] are not uploading the files themselves, but they made the crime possible," Pontén says. He adds that in an internal Bahnhof report, one of the employees admitted uploading material. The company declines to comment.

"We can't talk about the settlement," Pontén says, "but we are very satisfied with it." He claims that the Bahnhof servers hosted the two most-used Web sites in Sweden offering illegal downloads and that both have ceased operating.

Pontén says since the Bahnhof raid, other ISPs hosting suspected illegal file-sharing sites have been swift to remove them when contacted by Antipiratbyrån.

If the Bahnhof case had gone to court, it would have been the first in Sweden involving copyright owners acting against an ISP for hosting illegal music and video file-sharing.

Sweden's Minister of Justice Thomas Bodström confirms that a settlement has been reached.

"This means," he adds, "that this case will not result in a final [court] decision which could serve as a precedent."

Mårtensson notes that under current legislation, "if one infringes copyright law, there are sanctions, fines or jail sentences of a maximum of two years. Fines are low compared to other countries, but copyright owners can claim damages after conviction."

Antipiratbyrån and IFPI Sweden say they will seek convictions in the event of successful convictions.

NO IMPACT ON ACT

The high-profile case has drawn attention to proposed changes in Sweden's copyright law, long criticized by industry insiders for ambiguities that they say encourage file-sharing. Pontén estimates that 10% of Swedes illegally download copyrighted material.

"The action has increased the debate on copyright issues related to the Internet," Bodström says. However, he claims it will have "no immediate impact" on the latest proposed amendments to the 1960 Copyright Act.

The amendments are intended to bring Swedish law in line with the European Union's 2001 Copyright Directive. Sweden's parliament, the Riksdag, will debate the amendments May 25.

"The important thing is it will criminalize [unauthorized] downloading," Mårtensson says. "It [will be] clear to every Internet user in Sweden what one can and cannot download."

The amendment faces parliamentary opposition from the Center and Green parties.

Member of Parliament Johan Linander (Center Party) says the legislation leaves no room for technological advances and that thousands of young Swedes would be subject to criminal prosecution if it becomes law.

"The [amendment] makes every man or woman who downloads into a criminal," he says.

"[Bodström has] said that the police won't hunt young people, but it's strange for a minister to say we need new legislation yet police shouldn't use it."

Pontén also criticizes the amendment, noting that Swedish law council Lagrådet, an independent body of lawyers that reviews legislative proposals, suggests it does not go far enough. "It will be forbidden to download, but it's already forbidden to upload," he says. "It doesn't give us any new tools to work with."

The solution would be "to go after the Internet providers," he adds. "They are earning money on file-sharing. [But] the government is interested in having a strong broadband industry in Sweden, and they don't want to make problems for it."

Linander agrees that legislation should be used to penalize those who profit from illegal downloading and file-sharing. "We are proposing that the government comes back to Riksdag with a suggestion that's easier to understand and that Lagrådet can accept," he says.

The Riksdag is expected to vote in favor of the amendments, which would become law July 1. •••



LINANDER

GLOBAL BY NYAY BHUSHAN

EMI Ends Link With India's Saregama

NEW DELHI, India—EMI Group has sold its final minority stake in Kolkata, India-based music company Saregama, formerly its Indian subsidiary. The move ends a century-old relationship between the two companies.

On April 15 and 16 EMI sold its 720,000 shares, representing a 7.71% stake in

Saregama, to Mumbai-based investment company Reliance Energy in transactions on the Mumbai Stock Exchange. Saregama traces its origins to 1901, when EMI—then known as the Gramophone Co.—established the Gramophone Co. of India. GCI changed its name to Saregama after EMI established Mumbai-based

Virgin Records India in 1998. EMI had reduced its stake in GCI to 34% in 1987, and it fell to 7.7% by 1998.

An EMI spokesman says, "Now that [Virgin Records India] is well-established, we consider a minority stake in a competitor is no longer a strategic investment. As such, we have now disposed of our

holding in Saregama." Saregama managing director Dileep Mehta says the company is raising funds through a rights issue. "We plan to raise about 240 million rupees [\$5.7 million]," he says, "which will be used to [pay off] past debts and fund the company's various expansion plans." •••

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UpFront

TOURING BY JILL KIPNIS

Pixies Return To Hit Markets They Missed

LOS ANGELES—How do you come back from a comeback? Alt-rockers the Pixies are doing it by mixing it up.

The influential quartet, which reunited last year for its first tour since 1992, will be back on the road beginning in late spring. The band will play festivals, one-night-stands and, in some markets, two shows per night.

"It's a radical difference from last year, because there was no way you can top [a reunion tour]," says Marc Geiger, the band's booking agent at the William Morris Agency. "There can only be one great reunion tour."

The 2004 trek grossed \$6.5 million and drew more than 185,000 people, according to Billboard Boxscore. The 50-plus-date tour concluded with a sold-out (24,000 tickets), eight-night run at New York's Hammerstein Ballroom.

Geiger says his first instinct for the Pixies—vocalist/guitarist Frank Black, vocalist/bassist Kim Deal, guitarist Joey Santiago and drummer David Lovering—was to book a nine-week tour stopping in small halls in many markets.

"A cool, underground thing to do would be to do two

shows a night," he adds. "B-sides and rarities in show A and hits in show B."

Because of band members' other commitments—including a new Breeders project for Deal—the tour's time frame got compressed, Geiger says. But the two-show-a-night concept was still possible in some markets.

The 21-date tour will begin May 26 with two nights at the Roseland Theater in Portland, Ore., and end June 15 at the Agganis Arena in Boston. In addition, the Pixies will headline at Lollapalooza July 23 at Grant Park in Chicago.

Originally, Geiger expected to book two shows a night in at least 15 markets. Instead, there are four: Portland (the tour's opening dates), San Francisco (May 30 at the Warfield), Los Angeles (June 2 at the Wiltern Theatre) and Cleveland (June 8 at the CMJ Rock Hall Music Festival and later at the Scene Pavilion).

These double-doses are geared to the "super fan" who wants to enjoy two full sets, Geiger says. Combination tickets cost \$65-\$75, and tickets to individual shows are \$35-\$40.

For the nights with single

shows—which will focus on hits and are also selling for \$35-\$40 per ticket—Geiger re-

considered the target markets. Because last year's reunion tour ran for multiple nights in major markets, the Pixies did not play at least 25 big cities, including Indianapolis and Raleigh, N.C.

For the upcoming tour, Geiger also wanted to stop on the outskirts of major cities. For example, the Pixies will not play New York but will be at the Jones Beach Amphitheater in Long Island June 14. As with the reunion trek, most dates are at medium-sized venues that seat between 2,000 and 7,000.

"It's a way to return to a market after people were turned away last year," Geiger says. "But it's also a way to underplay. We know there are a lot of legs left to play in the future."

Expectations for the dates are high. Geiger notes that the Portland, San Francisco and Los Angeles double-shows have sold out, and more dates will be added. Tickets for most stops will be on sale by May 7.

No promoters or venues could be reached by press time.



THE PIXIES

Clear Channel To Spin Off Concert Biz

Live-Show Division Will Exist As Separate, Publicly Traded Company

Clear Channel Entertainment stand on its own two feet?

The touring industry will soon find out, now that Clear Channel Communications has announced that it will spin off CCE, the live-concert division the radio giant purchased in 2000 for \$4.5 billion from SFX (billboard.biz, April 29).

After the spinoff, targeted for completion by year's end, CCE will be a separate, publicly traded company.

The move sent shockwaves through the concert industry. "Based on what they paid, everyone knew that [CCC] bought the Brooklyn Bridge and it was just a matter of time before they figured it out," observes independent promoter Seth Hurwitz of I.M.P. in Washington, D.C.

CCC absorbed much of the hit for purchasing the apparently overvalued SFX with a stock value write-down in 2002. In the end, it appears the slim profit margin and dicey nature of the concert business did not sit well with CCC shareholders accustomed to higher profit

margins in the broadcast and outdoor advertising industries.

As part of the spinoff, CCE CEO Brian Becker has stepped down. Plans call for Becker and CCE to form a "joint venture company to pursue entertainment content opportunities through acquisition and development," according to a statement.

"I have tremendous admiration, respect and friendship for Lowry, Mark and Randall Mays and the entire Clear Channel family, and am very excited about the next phase of my relationship with them," Becker tells *Billboard*. Randall Mays is serving as interim CEO during CCE's transition to an independent company, and has been meeting with CCE division heads since the announcement.

Michael Rapino retains his title of president/CEO of global music, overseeing CCE's global concert, touring and amphitheater operations.

The industry has warmed to Rapino, but doubts still remain about the CCE model. "Michael Rapino clearly 'gets it,' but

whether he can control such an unwieldy beast remains to be seen," Hurwitz says.

Insiders at CCE say it will be business as usual heading into the summer concert season. The status of such high-ranking execs as CCE chairman/Tea Party president Don Law in Boston, COO Miles Wilkin in Houston and CCE executive VP of corporate operations Mike McGee remains unclear, but sources say all were still with CCE at press time.

The future of Arthur Fogel, president of TNA International, CCE's touring division currently overseeing U2's Vertigo tour,



RAPINO

would appear secure, considering he runs CCE's most profitable tours.

GOING FORWARD

CCC says it will "appropriately capitalize" CCE, tapping capital markets "if necessary," and much existing debt will remain at CCC. In basic terms, the way the deal will be executed is CCC shareholders will be issued a like number of shares of CCE to either sell or retain. There will not be an initial public offering; banks are working on placing a value on the new CCE stock, based on some multiple of earnings.

The company says it plans to pay a one-time dividend of \$3 per share when the restructuring is complete, and will increase its annual dividend by 50% to 75 cents a share from 50 cents a share.

Then, CCE will sink or swim on its own, and will no longer be propped up by the corporate giant CCC. CCE will run off its own revenue and, if necessary, tap capital markets on its own. The Mays family will remain

major shareholders in CCE.

CCE, far and away the largest concert promoter, amphitheater operator and live entertainment producer in the world, will consist of entertainment operations throughout North America, Europe, South America, Asia and Australia that raked in sales of approximately \$2.75 billion in 2004. Last year, CCE reported more than \$1.3 billion in grosses from involvement in 7,009 shows worldwide. It was involved in nearly half of all shows reported to *Billboard* Boxscore in 2004.

CCE's revenue decreased 17%, to \$425 million, during first-quarter 2005 from the same period last year, coupled with a 19% decrease the previous quarter. The company maintains that the decreases are primarily a result of a decline in ticket revenue.

"What this [spinoff] says to me is their business model isn't working," says Jerry Mickelson, co-president of Chicago-based independent promoter Jam Productions, which recently won a \$90 million judgment against CCE's motorsports division for

unfair business practices, now under appeal (*Billboard*, April 2). "You learn in economics 101 that when you increase prices you decrease attendance."

Before Robert F.X. Sillerman spent more than \$2 billion consolidating the live entertainment business into SFX, these independent promoters thrived in their respective markets.

"But they ran their businesses back when the bottom line was king," Hurwitz points out. "That king was dethroned a long time ago. If [CCE] is going to survive independently, they are going to have to stop throwing money around the way they used to."

From the concerts perspective, it now seems the hoped-for promotional synergies between the radio and concert divisions never really came to bear. In fact, insiders say that the two divisions were on separate tracks, rarely communicated with each other and were each focused on their own bottom lines at the local level.

The market is not exactly primed **continued on >>p22**

Austin Fest Expands Its Boundaries

In just three years, the Austin City Limits Music Festival has become an institution in the Texas capital and an elite event among major U.S. music fests.

This year's ACL Music Festival is set for Sept. 23-25 in Austin's Zilker Park. The lineup is arguably the most diverse of any festival announced this year, including Bonnaroo and Coachella.

Among the more than 130 bands confirmed for the festival's eight stages are Coldplay, Widespread Panic, Oasis, the Black Crowes, the Allman Brothers Band, Wilco, Lyle Lovett, Lucinda Williams, John Prine, the Arcade Fire, Robert Randolph & the Family Band, Jimmy Cliff, Buddy Guy, Jet, Dierks Bentley, Death Cab for Cutie, Franz Ferdinand, Gov't Mule, Sleater-Kinney, Kasabian, Robert Earl Keen, Keane, the Doves, the Black Keys, Dave Alvin, Asleep at the Wheel and the Bravery.

Produced by Capitol Sports & Entertainment, the ACL fes-

tival is named for the PBS mainstay "Austin City Limits," which is billed as the longest-running music show in the United States.

The TV series is known for showcasing a wide range of talent and has earned credibility with artists and music fans.

With a talent lineup assembled by Austin independent promoter Charles Attal, that credibility was quickly absorbed by the series' namesake festival. The first ACL fest in 2003 drew about 75,000 during its two days and grossed about \$1.2 million against a \$1 million budget. The initial lineup included Wilco, Emmylou Harris, Ryan Adams, James McMurtry, the Jayhawks, Griffin and G. Love.

Attendance grew to more than 70,000 per day in 2004, and in response, producers announced this year they would reduce capacity by 10,000 daily to make for a better fan experience.

"To us it was simple. Our

original model was to provide a good experience to bands and the customer, and to create an event that would be around for the city of Austin for many years to come," says Charlie Jones, a principal in CSE.

"Like any event or festival, when it gets too crowded, it's an unpleasurable experience," Jones continues. "Our customers told us last year it was too crowded and we

heard them."

The capacity reduction will affect ticket prices, but three-day passes will still top out at slightly more than \$100.

"Our ticket sales are ahead of schedule," Jones says. "Before we released band one, we sold 12,000-13,000 three-day passes. I expect when the bands get released, this sucker will sell out within a week."

The talent for the ACL fest has been booked since Feb-

ruary, and the "stars aligned perfectly," Attal says. "The great thing about Austin is the city supports a little bit of everything."

Attal says the talent budget was not much more than last year. "We have stayed within our model we've used the last three years. A lot of bands work for their normal going rate on tour, which really helps us out."

The top 25% of the bands take up about 60% of the talent budget, contrary to some festivals where the ratio is as much as 10% of the top acts taking 90% of the budget. "We never want to be top-heavy," Attal says. "And we never want to be chasing a one-hit wonder who wants to charge us a ton of money."

Three successful events into its history, the booking has become easier. "Everybody knows I start working on this in late November, and my phone lights up between November and mid-December," Attal says. "This is a great festival,

fairly priced, with a great Austin vibe and a nice open green space downtown. It's hard to beat."

Official ACL fest sponsors include SBC, Cingular, Heineken, Austin Ventures, Capital Metro, BMI and H-E-B. "We do a 'sponsor summit' where all the sponsors and our marketing and promotion team get together, spend a couple days, and basically cross-pollinate," Jones says.

Last year, highlights from the 2003 festival were released on New West Records, and a Warner Bros. release from the 2004 fest is set for this summer.

"We give people a good experience and have rewarded 'Austin City Limits' with secure funding for years to come," Jones says.

Attal and Jones hope they can bring the ACL festival model to Chicago, where they will produce the two-day Lollapalooza music festival, set for July 23-24 at Grant Park (*Billboard*, April 30). ♦♦♦



RAY WADDELL rwaddell@billboard.com



SMG's Online Booking

Venues, Building Managers Can Check Avails With A Click

Philadelphia-based venue management firm SMG has launched a new proprietary Web-based booking system, smgbooking.com.

SMG facility managers now can manage their building schedules online, at the same time allowing their Sports & Entertainment Division and entertainment promoters an unprecedented level of access to real-time booking availability for SMG-managed arenas and theaters.

smgbooking.com, which was developed by events-booking.com and SMG, was completed May 1.

Mike Evans, SMG's senior VP of Sports & Entertainment, tells On The Road that more than 70 venues are online, and many of the 32 SMG-managed theaters will be added soon.

A key element of the system is easy access for entertainment clients to see what is available at the SMG-managed venues. "I recently had an agent looking to book

an act on an East Coast run, and I was able to e-mail him avails in 17 buildings in five minutes," Evans says.

The relative "firmness" of holds in place will be coded, and agents will not be able to book holds online, which should help eliminate confusion. "We don't want to lose a date when an avail can be moved," Evans explains. "A lot of our guys have a hockey date, for example, that can be shifted."

smgbooking.com has been successfully piloted and beta tested for the past few months at the Jacksonville (Fla.) Veterans Arena, Oakland (Calif.) Arena and the Wachovia Arena at Casey Plaza in Wilkes-Barre, Pa. Industry reaction has been very positive, Evans says, and SMG regional booking reps will visit agents in New York and Los Angeles to explain to agents how they can interact with smgbooking.com.

TRAMP OFF YOUR STREET: Veteran road dog and skilled multi-instrumentalist Tramp has been on the road for more than 20 years as a key member of the Kendalls, Walk the West, the Cactus Brothers and, most recently, Bonepony.

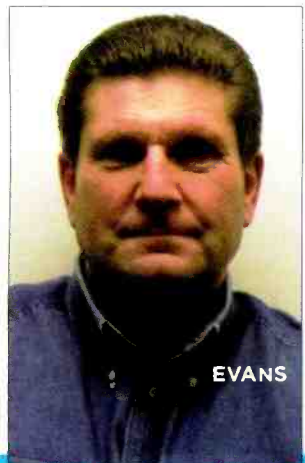
Now Tramp is off the road, and many people are hearing his real name for the first time. It's Mike Lawing, and he is the new marketing director for the International Bluegrass Music

Museum in Owensboro, Ky.

"Now I'm using my real name, which feels strange after being Tramp for 23 years," Lawing says. "And I wear nice clothes. It's quite a change, but some things are exactly the same, like trying to get publicity, airplay, advancing the show, routing, street teams, production, stage plots and other things that I was already familiar with."

As part of his new gig, Tramp (we'll always call him that) will help produce the second annual River of Music Party June 23-25 in Owensboro. Hosted by the IBMM, ROMP will feature Ricky Skaggs & Kentucky Thunder, Larry Cordle & Lonesome Standard Time, Tim O'Brien, Mountain Heart, the Grascals, Rhonda Vincent, Jimmy Martin and others. Tickets are \$55 for a three-day pass, including admission to the Bluegrass Masters Film Festival. Last year, the initial ROMP drew more than 6,000.

Lawing digs the new gig. "I love bluegrass, and I get to use street skills honed in the trenches, I have a cause, and get to go home to my family every night," he says. "I have every intention of promoting this festival, this museum and this region tirelessly. This area is the home of bluegrass just like New Orleans is the home of jazz, and I want people to make that identification."



EVANS

CLEAR CHANNEL (cont.)

from >>p21

for corporate concert promotion companies. House of Blues Entertainment recently announced that it was taking its concert division off the block because the asking price (which sources say was around \$110 million) could not be reached (*Billboard*, April 23).

Still, CCE may eventually be sold, all or in part, and potential suitors could include HOB or former CCE co-CEO Dave Lucas' Lucas Entertainment

Group. In addition to its motorsports and concert divisions, CCE has a successful Broadway division and owns, operates or exclusively books scores of concert venues, including amphitheaters in some 40 markets.

Lucas declined comment, but HOB CEO Greg Trojan tells *Billboard*, "We'd definitely be interested. We have made a commitment to this space and additions to those assets would be very appealing."

Sources indicate that at least two separate private equity firms are trying to put together packages to make an offer for CCE once the spinoff is completed.

Ironically, Mickelson says he may even be interested in purchasing all or part of CCE. "I'm talking to bankers," he says. "We believe there is value in Clear Channel Entertainment, as long as it's properly run. You don't have to compete unfairly to make money."

BOXSCORE Concert Grosses

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	GROSS/ TICKET PRICE(S)	ARTIST(S) Venue, Date	Attendance Capacity	Promoter
1	\$2,698,333 \$225/\$87.50	CELINE DION The Colosseum at Caesars Palace, Las Vegas, April 20-24	13,668 five sellouts	Concerts West/AEG Live
2	\$1,916,336 (1,486,885 Euros) \$98/\$84.94	ROD STEWART Point Theatre, Dublin, April 25, 27-28	20,675 three sellouts	Solo Agency
3	\$1,072,354 \$126/\$31.50	JIMMY BUFFETT HP Pavilion, San Jose, Calif., April 16	17,197 17,526	Clear Channel Entertainment
4	\$943,316 \$79.75/\$34.75	CHER, VILLAGE PEOPLE United Center, Chicago, April 16	13,376 14,039	Clear Channel Entertainment
5	\$849,024 \$61.50/\$51.50	KENNY CHESNEY, GRETCHEN WILSON, UNCLE KRACKER Colonial Center, Columbia, S.C., April 30	14,408 sellout	Varnell Enterprises, The Messina Group/AEG Live
6	\$796,995 \$45	WIDESPREAD PANIC Radio City Music Hall, New York, April 14-16	17,744 three sellouts	Clear Channel Entertainment, Radio City Entertainment
7	\$777,909 \$60.50/\$50.50	KENNY CHESNEY, GRETCHEN WILSON, UNCLE KRACKER New Orleans Arena, New Orleans, April 26	13,892 sellout	The Messina Group/AEG Live
8	\$723,096 \$60.50	KENNY CHESNEY, GRETCHEN WILSON, UNCLE KRACKER Veterans Memorial Arena, Jacksonville, Fla., April 29	12,318 sellout	Miscell Productions, The Messina Group/AEG Live
9	\$702,345 (\$969,013 Canadian) \$72.33/\$48.09	CHER, VILLAGE PEOPLE MTS Centre, Winnipeg, Manitoba, April 20	11,185 11,856	Clear Channel Entertainment
10	\$608,040 \$30	WIDESPREAD PANIC Altel Pavilion at Walnut Creek, Raleigh, N.C., April 22	19,752 sellout	Clear Channel Entertainment
11	\$597,063 \$62.50/\$52.50	KENNY CHESNEY, GRETCHEN WILSON, UNCLE KRACKER Mississippi Coast Coliseum, Biloxi, Miss., April 28	10,045 sellout	The Messina Group/AEG Live
12	\$506,890 \$85/\$75	BRUCE SPRINGSTEEN Glendale Arena, Glendale, Ariz., April 30	6,018 sellout	Jam Productions
13	\$471,420 \$75/\$65	CHER, VILLAGE PEOPLE Mid-America Center, Council Bluffs, Iowa, April 18	6,819 7,220	Clear Channel Entertainment
14	\$458,675 \$85/\$45	ALAN JACKSON, SARA EVANS, THE WRIGHTS MGM Grand Garden, Las Vegas, April 22	6,432 10,123	Clear Channel Entertainment
15	\$446,850 \$65/\$45	MÖTLEY CRÜE Ford Center, Oklahoma City, April 14	8,771 sellout	Beaver Productions
16	\$430,261 (\$533,221 Canadian) \$80.29	CHER Agridome, Regina, Saskatchewan, April 21	5,441 sellout	Clear Channel Entertainment
17	\$426,125 \$35	GREEN DAY, MY CHEMICAL ROMANCE TD Waterhouse Centre, Orlando, Fla., April 15	12,501 sellout	Cellar Door
18	\$423,625 (\$533,090 Canadian) \$35.76/\$27.81	GREEN DAY, MY CHEMICAL ROMANCE Colisée Pepsi, Quebec City, May 2	12,112 sellout	Gillett Entertainment Group, House of Blues Canada
19	\$399,280 \$60/\$25	VELVET REVOLVER, HOOBASTANK Arrowhead Pond, Anaheim, Calif., April 16	8,796 14,000	Clear Channel Entertainment, in-house
20	\$372,692 \$85/\$39.50	JAMES TAYLOR NOKIA Theatre, Grand Prairie, Texas, April 21	5,844 sellout	AEG Live
21	\$347,387 \$68.50/\$48.50	BOB DYLAN, MERLE HAGGARD, AMOS LEE Orpheum Theatre, Boston, April 16-17	5,533 two sellouts	Clear Channel Entertainment
22	\$333,648 \$35	GREEN DAY, MY CHEMICAL ROMANCE UM Convocation Center, Coral Gables, Fla., April 15	7,200 sellout	Fantasma Productions
23	\$331,905 \$35	GREEN DAY, MY CHEMICAL ROMANCE Cricket Arena, Charlotte, N.C., April 20	9,808 sellout	Clear Channel Entertainment
24	\$313,910 \$70/\$25	FISH FEST: MICHAEL W. SMITH, AUDIO ADRENALINE & OTHERS Verizon Wireless Amphitheater, Irvine, Calif., April 16	9,067 16,300	Clear Channel Entertainment, Transparent Productions
25	\$313,767 \$49.75/\$16.75	GAITHER HOMECOMING Giant Center, Hershey, Pa., April 22	11,141 11,225	Clear Channel Entertainment
26	\$295,934 \$39.50	VELVET REVOLVER, HOOBASTANK Palace of Auburn Hills, Auburn Hills, Mich., April 30	8,306 10,803	Cellar Door, Palace Sports & Entertainment
27	\$281,652 \$48/\$28	ERASURE, ELKLAND Chicago Theatre, Chicago, April 29-30	6,944 two sellouts	Jam Productions
28	\$264,406 \$36.50	GREEN DAY, MY CHEMICAL ROMANCE Constant Center, Norfolk, Va., April 22	7,244 sellout	Rising Tide Productions, More Music Live
29	\$258,878 \$43.50/\$33.50	JOHN MELLENCAMP, DONOVAN The Mark of the Quad Cities, Moline, Ill., April 8	7,314 8,272	Jam Productions
30	\$245,243 (\$309,455 Australian) \$87.8/\$59.44	MARK KNÖPFLER Entertainment Centre, Adelaide, Australia, March 13	3,462 6,000	Michael Chugg Entertainment, Jack Utsick Presents
31	\$243,557 \$42.50/\$25.50	KEITH URBAN, KATRINA ELAM Ryman Auditorium, Nashville, March 17-19	7,026 three sellouts	The Messina Group/AEG Live
32	\$233,237 (\$328,702 New Zealand) \$63.79	NORAH JONES Westpac Centre, Christchurch, New Zealand, March 30	4,004 4,282	Pacific Entertainment
33	\$233,089 \$36.50/\$34	SLIPKNOT, LAMB OF GOD, SHADOWS FALL, SWORN ENEMY Cobo Arena, Detroit, March 12	6,825 10,843	Clear Channel Entertainment
34	\$229,156 \$59.75/\$31.75	STING, PHANTOM PLANET McArthur Court, Eugene, Ore., April 3	4,956 5,431	The Next Adventure, Bill Graham Presents
35	\$225,690 \$48/\$10	GAITHER HOMECOMING FedEx Forum, Memphis, April 15	9,711 12,407	Clear Channel Entertainment

Chayanne

BY LEILA COBO

After a 20-year career and 12 studio albums, Puerto Rican singer Chayanne is one of the undisputed icons of Latin pop.

Often referred to as a heartthrob, Chayanne is much more.

He is a relentless performer whose last world tour spanned more than a year with 110 dates in 26 countries. He is a success at retail and radio, scoring eight No. 1 hits on the *Billboard* Hot Latin Songs chart.

He is also a successful actor who has appeared in film and TV with the likes of Calista Flockhart and Vanessa Williams. And he has been featured in countless advertising campaigns for such products as Pepsi and Dentyne.

"Chayanne genuinely represents the best of Latin entertainment," Frank Welzer, chairman/CEO for the Latin region at Sony BMG, told *Billboard* last year. "He is the ultimate performer who can sing, dance and act equally well, and he's one of the best-looking people on the planet. He also happens to be a joy to work with and one of the nicest people I know."

Between working on his upcoming studio album for Sony BMG and promoting his current set, a compilation of romantic material titled "Desde Siempre," Chayanne sat down for a live interview during the recent *Billboard* Latin Music Conference. Here are highlights from that session:

Q. During your "Provócame" tour 12 years ago, you played in 12 countries. Last year, you went to 26. Did you ever think you would come so far?

A. Three weeks ago, I went to Australia for the first time. And it's one of those countries we do little by little. When I did "Provócame," I went to Argentina and Spain for the first time, and now these are countries where I play 12-15 shows at a time. When I did those 12 countries, I thought, "Now what am I going

to do next? What am I going to make up?" And I'm telling you, every tour, every album is about looking for new things and creating an illusion. That's why I'm still in the business. When I stop feeling that, it's time to take other decisions.

Q. Is that the secret? Because your career has not had major ups and downs, while most careers do.

A. My career has been like ant work. I've worked constantly, constantly. But I've also had a lot of support from people. When I say that, I mean a glance in the airport, or when they stop you

in the street. Just now, getting into the hotel, they sent me in through the kitchen. They always do that. And what I find is people who ask me, "How are you? You're taller!" They always tell me I'm taller, and I always reply, "TV makes you shorter." Or they say, "You're so skinny!" And I always say, "TV makes you look bigger." But always, it's an outpouring of support, and I'm thankful for that.

Q. Many major pop acts stop doing promotion, save for key, large outlets. That hasn't been true in your case, has it?

A. When it's time to release an album, you have to travel to many countries. Media is so advanced now, and whatever comes out here will come out in Japan or Spain or elsewhere. But you need to have presence. It's very important that people know what you're doing, what you're feeling—that they know that what you're doing is natural and spontaneous. When people see you enjoying yourself, that's when people appreciate it and say, "He's doing what he feels."

Q. You began your career with *Los Chicos*, an all-boy band in Puerto Rico. How did that come about?

A. It was an accident. We've always had music in our home, going back to my grandparents, playing instruments, living the folklore of Puerto Rico, the traditions, where [at] Christmas you played guitar, *cuatro*, shakers.

We all lived that since we were very small. I played percussion, but my sister was the one who sang and danced. She was going to be in a group made up of three girls and four boys. But they were college-age, so that fell through. And because I was the one who was always with my sister—I was her chaperone—they asked me to be part of a group of boys.

I was around 10 years old. And they called it *Los Chicos* because

we were all boys [*chicos*], 10 and 11 years old. I did my first album with them when I was 10, my first movie when I was 12.

Q. Did *Los Chicos* serve as the basis for much of what you do today?

A. If we were rehearsing for the tour, it was at least four hours of dancing and singing. Create the steps, memorize them, repeat and repeat. That was my schooling. I now go to Los Angeles to choose my dancers—even though my band is here [in Miami]—and to create the steps.

I try to choose dancers who understand Latin rhythms along with urban and pop choreography. We rehearse at least eight hours a day . . . Having started with *Los Chicos* unconsciously taught me many things. It was a game! When you're 10 or 11 and you perform in stadiums in Costa Rica or Guatemala, you're playing that you're in a helicopter, and there are 30,000 people, and it's not a soccer game but your concert.

Q. Obviously, it's very difficult to go solo after being in a boy band. Were you very clear that you wanted to be a solo act?

A. I knew I wanted to continue in music. And I kept studying. I took vocal lessons, dance lessons, I went to the gym—I've been lifting weights since I was 14, even if it doesn't show! And I prepared for the opportunity. And I was lucky that the opportunity came nine months later in Mexico, with someone who was marvelous with me: Fernando Hernández, then president of Ariola.

Ariola had huge income.

I know! [laughs] They had Juan Gabriel, Rocío Jurado, José José. They had a marvelous catalog, and it was the first time they began with a new artist—relatively speaking.

Q. How did Chayanne become your nickname?

A. They wanted to change it when I did films, because they said I would never be successful in film with that name—because it was one name. They wanted to see two names, and Chayanne Figueroa didn't cut it. My mom gave me the name. [My family] lived in New York and

watched a TV series called "Cheyenne." And she liked the series and the character, and when I was born, she started calling me Chayanne. My real name is different [Elmer]. Actually, I'm getting to like it now.

Q. Today's labels talk about signing singer/songwriters. You don't write. Why not?

A. I don't write a big percentage of my material because I've dedicated my time to my music and the show. I try to have my writers know me—not only through my career but also personally. And you don't have to sing only what you write. There is so much talent, you can sing other people's songs and identify with them and give them total heart.

Q. What should we expect from the upcoming album?

A. Right now we're listening to new songs, working with new writers. It's more about having them get to know me . . . Talk with me, feel what I am today, and then we'll work together. . . .

HIGHLIGHTS

CHAYANNE

1978: At age 10, joins Puerto Rican boy group *Los Chicos*

1984: Releases first solo album, "Chayanne Es Mi Nombre" (Ariola)

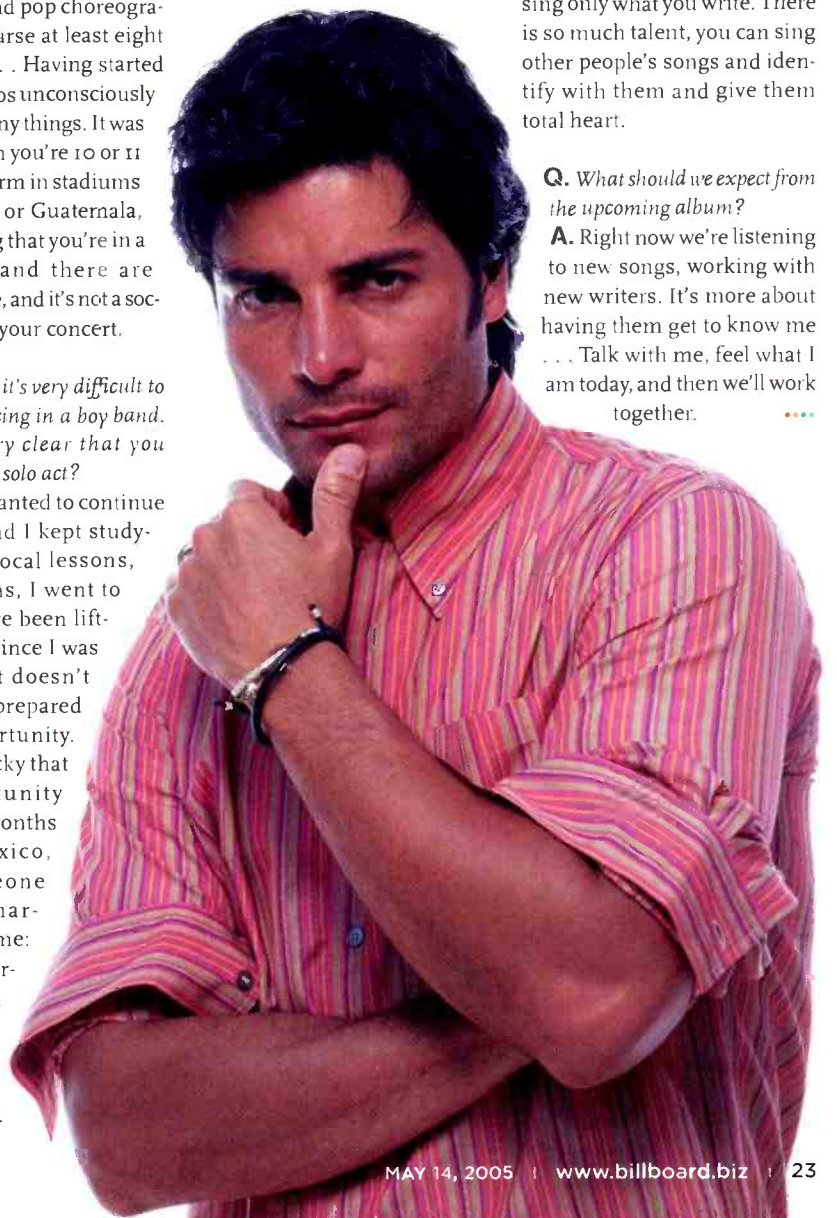
1989: Enjoys his first No. 1 on the *Billboard* Hot Latin Songs chart with "Fuíste un Trozo de Hielo en la Escarcha"

1990: Receives his first Grammy Award nomination for "Chayanne"

1996: Stars in the film "Dance With Me" with Vanessa Williams and Kris Kristofferson

2002: Releases "Grandes Exitos," his first greatest-hits album

2004: Receives his fourth Grammy nomination for the album "Sincero"



SYSTEM OF
A DOWN IS
READY TO
'MEZMERIZE'
ITS FANS

DOUBLE DOWN

PHOTOGRAPH BY ROBERT SEBREE

BY TODD MARTENS

LOS ANGELES—Few acts can trot out a Peter Jennings newsreel before a concert and have a hard-rock audience of 6,000 erupt in cheers. For fans of System of a Down, however, a pre-show report on genocide is as fitting as a guitar solo.

It is a Sunday night in late April, and System of a Down is staging its third hometown concert to benefit human rights and genocide awareness organizations. The group is about to embark on a world tour, and the L.A. crowd has gathered not to see the band off or hear a glimpse of its upcoming material. Instead, the atmosphere at the Gibson Amphitheater (formerly Universal Amphitheater) is that of a family reunion, where high schoolers and adults stand and cheer a heavy metal guitar line—or an ABC news clip from 1999—all in the name of Armenian heritage.

Fans drape the Armenian flag over the balcony, and the mosh pit near the front of the stage is a blur of red, blue and orange as fans brandish flags in the crush. A fan in the back yells “fuck Turkey”—a remark directed at the country that perpetrated the Armenian genocide of 1915—and the audience explodes in cheers that rival anything the band received at Ozzfest in 2002.

“This band didn’t start to change the world,” guitarist/songwriter Daron Malakian later says from the stage. “This band didn’t start to change your mind. This band started just to make you ask questions.”

BRINGING ITS OWN OPINION

System of a Down’s ethnic appeal and political directness are not the typical qualities of today’s megastars, and that says nothing of the band’s music: a metal-laced mesh of off-the-wall rhythms and whiplash shifts in direction.

The American/Columbia act has sold nearly 6 million albums in the United States, according to Nielsen SoundScan. The group’s 2001 effort, “Toxicity,” is its most successful so far, scanning 3.5 million copies.

On May 17, System of a Down will release the first half of its most ambitious project, a double-album that will be issued as two separate discs nearly six months apart.

The first disc, “Mezmerize,” was introduced in March with first single “B.Y.O.B.,” a thrashy, Black Sabbath-inspired anti-war anthem. The song is highly critical of U.S. policy in the Mid-

dle East. (“And we don’t live in a fascist nation,” Malakian sings with far from subtle sarcasm.)

Loaded with four-letter words, it is not the obvious choice for a radio cut. Singer/songwriter Serj Tankian says the band chose the song with hesitation.

“It’s such a heavy and aggressive song, and we didn’t want a political song as our first single,” he says. “But it’s so powerful and so different from everything else on the radio, we thought we could get away with it, even though we don’t want to be pigeonholed as a political band.”

Yet Tankian can’t escape politics. As the co-founder of Axis of Justice, the activist Web site he runs with Audioslave’s Tom Morello, Tankian is the most politically active member of System of a Down.

Mild-mannered and articulate, Tankian chooses his words with the conscientiousness of a scholar. He shows up for an interview in a suit, while Malakian slouches next to him in jeans and a T-shirt. In the words of producer Rick Rubin, Malakian is the “darker, more aggro character, and Serj is the poet.”

“The word ‘politics’ is a funny thing,” Tankian says. “A lot of people say, ‘Hey, I’m not political,’ and they don’t realize that, in today’s world, economics, politics, class struggle and social structure, are all tied together. It affects us directly, whether we like it or not, or whether we want to pay attention to it or not. Our lives are political, and System of a Down is a band that talks about politics and has very strong points of view.”

System of a Down is also the band Columbia Records Group chairman Will Botwin describes as the company’s “flagship.” He says the label is counting on “Mezmerize,” and follow-up “Hypnotize”—which is planned for a November release—to surpass the sales of “Toxicity.”

“We sold more than 5.5 million worldwide, and our expectations are that this upcoming record is going to exceed that,” he says. “We look at what happened last time as a barometer for what our goals need to be for this record.”

Fans first got a taste of “Mezmerize” when the track “Cigaro” was leaked to the Internet. At the time, the band’s representative claimed the cut got out against the group’s will.

But that was not the case.

“It was our choice to put it out,” Tankian says. “Everyone



made it sound like it leaked. Marketing efforts get more interesting day by day.”

The cut—in which Malakian turns a reference to the size of male anatomy into a statement about the egoism of the ruling class—made it onto the airwaves. Despite not being officially worked at radio, “Cigaro” peaked at No. 29 on the *Billboard* Modern Rock chart.

“Cigaro” tapered off the chart in about eight weeks. While it failed to rack up a 35-week run on the tally like “Chop Suey” did in 2001, Jacent Jackson, assistant PD at WKQX (Q101) Chicago, said it proved that fans were eager for more System of a Down.

“It didn’t perform as a callout record for us, and the lyrical content on the song is pretty ridiculous, but the phones were phenomenal,” he says. “System of a Down is probably the most important band in hard rock today. They appeal to alternative listeners, and they’re strong and crunchy enough to appeal with the hard rock crowd . . . But whether the new [songs] will become another ‘Chop Suey’ remains to be seen.”

Like all of its previous work, the act recorded the albums with Rubin, who signed the band to his American Recordings imprint in 1997. If there is a noticeable difference between “Cigaro” and past System of a Down songs, it is that the first voice one hears is that of Malakian and not Tankian.

Tankian is still the group’s primary vocalist, and Malakian has always composed essentially all of the band’s music—coming off as hard rock’s answer to Frank Zappa. Yet “Mezmerize” and “Hypnotize” sees Malakian writing more lyrics than he has before. Malakian even splits vocal duties more evenly with Tankian and sings lead on a few cuts.

Tankian and Malakian run their own record labels, but Tankian’s Axis of Justice Web site is becoming increasingly more visible, and in 2003 he recorded an album of largely experi-

mental instrumental music with Armenian musician Arto Tunçboyacıyan. With Malakian taking on a more active vocal role, one gets the impression that Tankian is taking a step or two back from band.

“I’m starting to compose music for films,” Tankian says, “and I don’t like being committed to one thing, whether it’s the singer of a band or one band in general. System of a Down is part of what I do, but it’s just part of what I do. I don’t define it, nor does it define me.”

Malakian, however, notes that only those outside of the band’s inner circle will be surprised to hear him sing more. “I’ve always been vocally involved with System of a Down, not necessarily as a singer, but I’ve written a lot of the melody lines and the vocal patterns. When I wrote something before, I had Serj in my head, but this time I had both of us in my head.”

In discussing the new albums, Malakian and Tankian always refer to them as a single project. To the band, “Mezmerize” and “Hypnotize” are one album released in two parts, with both topping off somewhere between 35 and 40 minutes.

“You don’t have a bunch of kids dropping acid like they used to,” Malakian says. “You can’t just release double albums and expect people to sit there and devote their time to it. Our songs are tough to digest, and I would feel really uncomfortable handing someone a CD with 25 songs staring them in the face.”

Rubin agrees, saying he recorded about 35 songs with the band and was unable to get it down to a number that was manageable. “Everything in today’s culture is short term and disposable,” Rubin says. “We’re living in a time when people don’t seem to even listen to one full album, so we felt the only way for it get properly heard was to spoon feed it.”

Still, Columbia is trying to make a permanent impression with this project. “We’ve been working this record on the street for about eight months already,” says Stu Bergen, Columbia Records Group executive VP of rock music.

System of a Down manager David “Beno” Benveniste says street teams have been given everything from “stickers to bags to skate decks to election posters” to hype the releases in recent weeks. “The kids eat all those things up,” he says.

Additionally, for six weeks leading up to the release, Best Buy’s Sunday circular has printed a weekly countdown to the album’s release date. On May 17, the group will perform at the Best Buy in Burbank, Calif.

Indie retailers, however, will not be left out. They will receive an “extremely limited” picture disc version of “Mezmerize.” For a release of this magnitude, Botwin says the company is careful to include everyone.

“It’s a balancing act,” he says. “You’re trying to be expansive and bring more people into their music, but it’s the band’s desire to address their fans directly first.”

To that end, the group is in the midst of a 10-city “guerrilla tour” that began April 25. The band is playing small venues in major markets, with ticket information and show locations being announced just days before. Bergen says shows in San Francisco and Denver sold out in less than 30 minutes.

The band will make its first major national TV appearance May 7, performing two songs on “Saturday Night Live.” System of a Down has generally stayed away from the late-night talk-show circuit, and the band will nix anything too commercial.

“We recently received an e-mail from a documentary filmmaker in Israel,” Tankian says. “He wants to use ‘Aerials’ for making a film about hats. He saw these Armenian monks listening to and singing ‘Aerials’ in Jerusalem. He’s not paying anything, but I think that’s cool. That’s more our cup of tea than a football commercial.”

This month the group will head overseas to perform at European festivals, and then launch an arena tour of North America with the Mars Volta in late summer. It will be System of a Down’s first large-scale U.S. tour since Ozzfest in 2002.

“We could have put out another record really quick and played on the fact that ‘Toxicity’ did really well,” Malakian says. “But we were determined to make another record instead. I want to stay a fan of System of a Down. We can’t become everyone’s favorite band.”

COPYRIGHT OFFICE SEEKS LOST AUTHORS

ORPHAN SONGS



By Bill Holland

W

ASHINGTON, D.C.—In late 1946, glamorous Savannah Churchill, the Alicia Keys of her day, recorded the ballad “I Want to Be Loved (But Only by You)” for Manor Records, a New Jersey-based independent label.

By May 1947, the Manor disc had soared to No. 1 on the *Billboard* Jukebox Race Records chart, where it stayed for eight weeks.

Other such Manor releases as Deek Watson & his Brown Dots’ reading of “(I Love You) For Sentimental Reasons”—later a hit for Nat “King” Cole and Sam Cooke—also clicked with the record-buying public.

But 58 years later, Manor Records is a mystery.

Music historians say anyone who wants permission to reissue those discs will find that the paper trail to the ownership of Manor has disappeared.

The Manor discs, in other words, are “orphan works.”

The term, conjuring visions of Charles Dickens’ poor Oliver Twist, refers to copyrighted works whose owners are difficult or impossible to locate.

The scope of the problem is not lost on the Copyright Office, which has asked for public comment on orphan works, including sound recordings, films, illustrations, text and photos.

More than 700 individuals and groups have answered the call, including music industry bodies of all stripes. The comments are posted on the Copyright Office Web site (copyright.gov). After its May 9 deadline for such comments, the office will formulate a plan to submit them to Congress—if it concludes that such a plan is needed.

Those who seek to use orphan works want Uncle Sam to establish clear guidelines on how to reduce their legal risks. Content companies are OK with that, as long as there isn’t any conflict with the rights of in-the-shadows authors and rights holders who might later come forward.

Music interests want prospective users to make a good-faith effort to identify and contact copyright holders. Most want those efforts to be documented in some manner, perhaps by codified steps, including the use of new or established databases.

Some suggest users pay into an escrow fund, with unclaimed monies eventually being put into programs that conserve and restore works.

A number of the respondents point out the limits of the issue as it pertains to music.

In separate filings with the Copyright Office, ASCAP and BMI each wrote that ownership of the musical compositions they administer is generally well-documented in their respective online databases. Similarly, the Recording Industry Assn. of America says the ownership of modern-era sound recordings is well-documented.

“Federal copyright subsists in sound recordings only if they were first recorded on or after Feb. 15, 1972. The labels and packaging materials for recordings issued since 1972 almost invariably identify the owner of copyright in the phonorecord, and the same information is contained in readily accessible metadata that accompany legitimate downloads of sound recordings made available online,” the RIAA filing stated.

“Moreover, while we have not collected empirical data concerning this question, we perceive that, relative to other types of works, the copyrights in a high proportion of sound recordings are registered,” and therefore the owners can be traced.

However, a *Billboard* search in 2000 of U.S. copyright registrations for 100 best-selling or critically acclaimed albums released in 1997, 1998 and the first half of 1999 revealed that about one-third did not have any copyright registration (*Billboard*, Nov. 18, 2000).

Several sources—including Sam Brylawski, former head of the sound-recording division of the Library of Congress—say labels have since become more consistent when it comes to registering works in the face of growing online piracy and the development of online music services.

The RIAA contends that pre-1972 recordings—covered only by state common law—are outside the scope of the Copyright Office proceeding.

Other groups believe pre-’72 recordings should be included in the Copyright Office recommendation. They say that without orphan status for such works, the public might be deprived of recordings of musical, cultural or historical significance—like the music of Churchill.

Jazz reissue producer Michael Cuscuna says there are “a bunch of little labels” that likely are in the same limbo as Manor, including Urania (the jazz label), Rico and Regina.

“A person seeking permission to use an older work needs to untangle the complicated history of mergers and acquisitions,” the filing by the Library Copyright Alliance said. “And since the person [is] seeking to use the work for at most nominal compensation, the corporation has no incentive to invest adequate resources in locating the records concerning the work,” which are often missing or lost.

A study soon to be published by the Council on Library and Information Services looked at the copyright history of 400 heritage records released between 1897 and 1964. The study finds that the current ownership of 25% cannot be identified. Many 1950s indie labels appear to be orphans, but by the mid-’60s, few labels appear to have orphan status.

Musicologist Tim Brooks, the study’s author, says the apparent orphan works in question include blues, R&B, rock’n’roll, jazz and country.

In his filing with the Copyright Office, Brooks wrote that two reissue producers “‘tried hard to find ownership of Manor, but the trail went cold.’ They proceeded with

CALL FOR COMPULSORY LICENSE GROWS

WASHINGTON, D.C.—Three major artists' groups are calling for a new compulsory license that would allow artists to reissue their out-of-print recordings if the labels that control the masters do not have any such plans.

The Future of Music Coalition, the American Federation of Television and Radio Artists and the American Federation of Musicians propose a feasibility study for such a license in a Copyright Office filing on "orphan works."

They call the plan a "cousin" of the orphan-works issue.

"If a record label does not press and sell physical copies of a sound-recording copyright through normal retail channels in the U.S. for a period of two years (whether or not the recording has been commercially released and distributed in the past), the recording artist who created the recording would be able to apply for such a license," the groups wrote.

Under the proposal, an artist would be granted "an exclusive license to manufacture and commercially distribute the sound-recording copyright in physical format and a nonexclusive license for all other rights."

Along with this license would come the responsibilities "traditionally borne by the labels"—including manufacturing, distributing and promotion.

Artists would be responsible for paying their label "a portion of the profits." They would also have to pay songwriters and union obligations for the session musicians and vocalists, if applicable.

A spokesman for the Recording Industry Assn. of America tells *Billboard* the group doesn't see any need for such a plan. "We think the Internet is the best answer to this issue, as it opens up new marketing opportunities for record companies."

The organizations say their licensing plan would provide "found money" for all parties and "generate new income for [both] a recording industry that has complained continually about falling income and for many artists who never were, or are no longer, superstars." —Bill Holland

their reissues, in one case putting money in escrow, but no claimant ever emerged."

Brooks is among numerous parties that see potential benefits of a compulsory license to resolve the issue of orphan works (see Opinion, page 4).

Brylawski tells *Billboard* that something should be done to help reissue producers and scholars,

"One could expend so much in the way of resources, dotting every 'i,'" he says. "The bulk of a budget to reissue an esoteric recording could be spent by doing no more than research to contact presumed owners."

"Pre-1972 recordings are protected by state laws until the year 2067," Brylawski notes. "If we're having trouble tracking down owners of 1948 companies and performers now, imagine how it will be in 50 years, a time when those recordings will still be protected by state laws." (Not all legal experts agree that all states protect older recordings.)

"It's no wonder that aside from major-artist rereleases, the bulk of publishing of historical recordings occurs overseas, where it is legal. In the U.S.," he says, "it's going to be most probably technically illegal."

Several filings argue that overly cautious administrators or lawyers often impede prospective users of orphan works.

The comments of the Glusko Samuelson Intellectual Property Law Clinic, helmed by American University copyright professor Peter Jaszi, are typical: "One of the main findings that emerged from conversations with prospective users of 'orphan work' is that the main bottleneck to making these available lies not with individual artists or scholars, but with so-called gatekeepers."

"These risk-averse institutional actors have more to lose, in economic and reputational terms, than do individuals from a choice to use a work without explicit authorization. As a result, gatekeepers tend to embrace the cautious rule of 'Just say no.'"

Members of Congress recommended the Copyright Office inquiry after hearing from such discouraged citizens—including the Library of Congress, whose bread and butter is restoring and archiving old published and unpublished materials with unknown copyright ownership. ●●●



BEYOND

CONCORD RECORDS ON A ROLL WITH GRAMMY WINS,
FANTASY PURCHASE BY DAN OUELLETTE

As told by the label's late founder, Carl Jefferson, the Concord Records story began "accidentally."

Jefferson was a Lincoln Mercury dealer in the small California town of Concord, 30 miles east of San Francisco. After founding a modest summer jazz festival there in 1969, he soon discovered that some of the straight-ahead performers he booked had been left behind by the rock and jazz-fusion boom.

When guitarists Herb Ellis and Joe Pass told him they could not score a recording deal, he replied, "Hell, how much could it cost?"

In an interview with this writer in 1993, two years before his death, Jefferson recalled, "I was making a profit at my car dealership at the time, so I said, 'Let's just do it.'"

Other musicians with similar laments followed as one project led to the next, and quickly—even before a label was officially established—Jefferson had a 10-title catalog. Finally, he formed Concord in 1973 "to keep the record-making process going. I wasn't thinking of this as a commercial endeavor at all. I was doing it for the musicians, because jazz was so devastated at the time."

Today, Concord, based in Beverly Hills, Calif., is a significant player—not just in jazz circles (where it is the No. 1 independent jazz label, according to the *Billboard* charts), but also in an array of adult-oriented genres, from pop to Latin.

Concord enjoyed a banner year in 2004. In July, the label switched from independent distributor Innovative Distribution Network to Universal Music & Video Distribution. In August, Concord issued Ray Charles' "Genius Loves Company,"

which won eight Grammy Awards and has sold almost 2.9 million copies, according to Nielsen SoundScan. And in November, it completed the acquisition of Fantasy Records, the Berkeley, Calif.-based gold mine of jazz, pop, rock and R&B titles, for a reported \$83 million.

Prior to "Genius," Concord's biggest hits were Barry Manilow's "Here at the Mayflower" (which sold more than 180,000 copies), a self-titled CD from vocalist Peter Cincotti (167,000) and the Rippingtons' "Life in the Tropics" (nearly 160,000).

But the success of "Genius" changed all that.

The label is not only signing more acts but finding that it has more leverage in attracting premium performers. Jo Foster, head of Concord PR, says, "People are taking the label more seriously now. We've become a player."

For 2005, Concord has a full docket of jazz-and-beyond releases scheduled, including a Sergio Mendes collaboration with the Black Eyed Peas' Will.I.A.m; an Earth, Wind & Fire-inspired project piloted by Maurice White; a live Sonny Rollins album recorded four days after Sept. 11, 2001; and a full-year 25th-anniversary celebration of its Latin jazz arm, Concord Picante, with CDs by Eddie Palmieri and Poncho Sanchez.

Earlier this year, Concord merged its labels—Concord Jazz, Concord Picante, Jazz Alliance, Peak, Stretch and Playboy Jazz—with Fantasy's imprints, including Contemporary, Debut, Milestone, Kicking Mule, Stax/Volt, Riverside, Prestige, Pablo, Specialty and Takoma. The resulting Concord Music Group boasts the world's largest independent jazz catalog and one of the largest indie archives.

Marquee performers on adult-pop-oriented Concord Records include Manilow, Cincotti, Michael Feinstein and Ozomatli. Concord Jazz features singers Karrin Allyson and Keely Smith, pianist Marian McPartland and singer/saxophonist Curtis Stigers. The Concord Picante roster in-

cludes the Caribbean Jazz Project. Stretch is home to Chick Corea, and Peak spotlights such smooth jazz acts as the Rippingtons and Paul Taylor.

The Fantasy catalog features material by such jazz legends as Miles Davis and John Coltrane as well as influential pop acts like Little Richard and Creedence Clearwater Revival.

Though still an indie, Concord is releasing music at the accelerated rate that was once a major-label hallmark. And although the Fantasy acquisition has put it on the scale of a major label, Concord continues to operate with the flexibility and independence of a smaller company.

"We're always seeking to stay a step ahead of other labels," Concord GM Gene Rumsey says. "But the majors turn like a battleship, and we can spin on a dime by just walking down the hall to do business."

Glen Barros, Concord's president/CEO of the last 10 years, says the label has veered radically from the path of most contemporary recording-industry models.

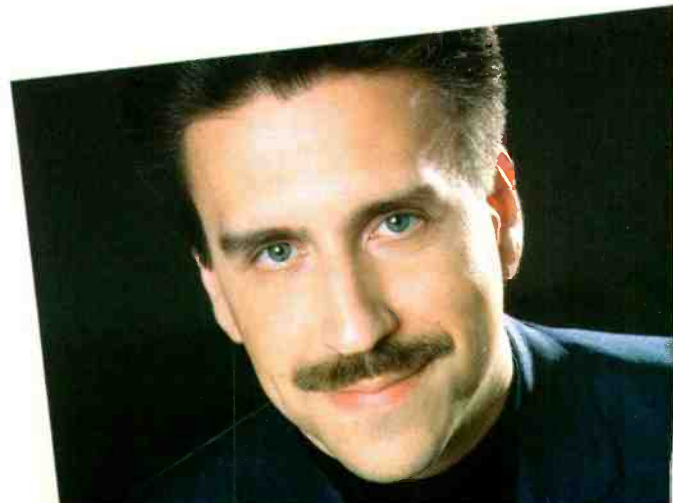
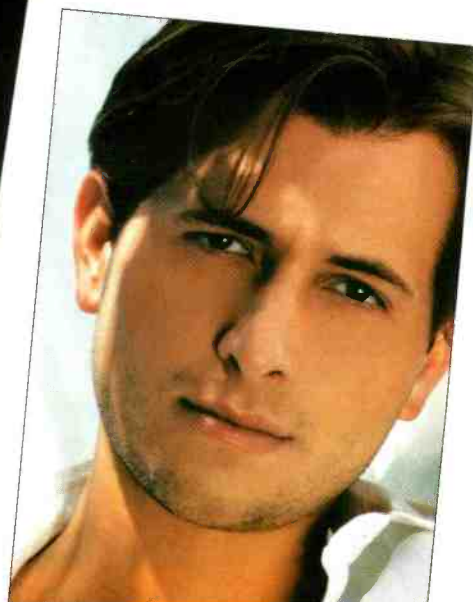
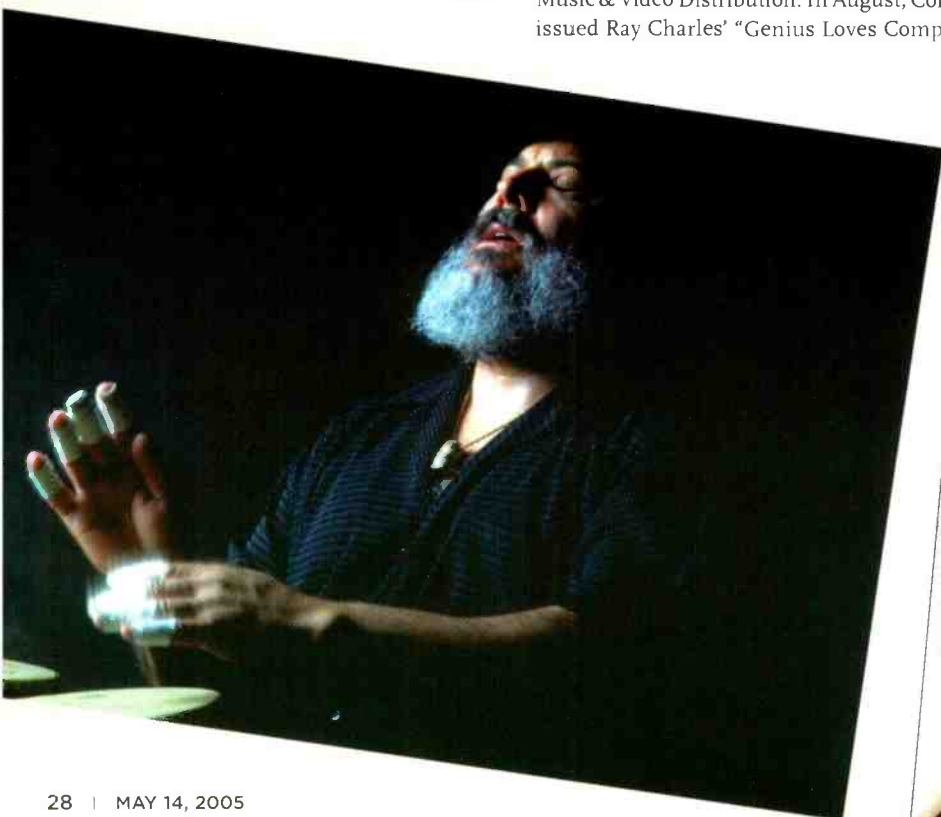
"Those old formulas no longer apply," Barros says. "Like in the wine world, the less you doctor the product, the better it is. We want our artists to create from the heart and soul. Then it's our job to take their music to the widest possible audience."

In the past, Barros says, the label was recognized for its artistic excellence while its commercial endeavors were lacking. But shortly before his death, Jefferson—who was more jazz fan and scout than astute label executive—brought Barros aboard to helm the enterprise.

"We've been working on equaling things out, to pull the marketing and sales up to the same level as the art," Barros says. "We're achieving that by coming up with creative ways to get the music to the audience."

Rumsey says the old industry model was to just release music and let potential consumers seek it out. "We subscribe to finding where the consumers are and bringing the music to them."

"We'll never turn our backs on our retail partners. We won't do anything to hurt them," Rum-



GENIUS

sey says. "But we are looking into other joint ventures like our partnership with Starbucks, where 33 million people a week were exposed to Ray's album." (While Concord continues to work with Starbucks, new collaborative retail projects have not yet been confirmed.)

Jessica Sendra, the jazz buyer for Borders Books & Music for the past eight years, has noticed a big improvement in the way Concord does business on a retail level. She compares its musical diversification to Blue Note and Verve.

"Concord continues to have a dedication to jazz in addition to recording music to keep the lights on," Sendra says, also applauding the label's attention to packaging and other details.

"Concord has become very good at identifying current trends," she says, noting that it has been particularly adept at finding talented vocalists like Allyson. "But most importantly, the label is also releasing all of its albums with a marketing plan that includes artists touring, great radio and in-store appearances. The label is running on all cylinders."

Rumsey compares Concord's marketing strategy to an orchestra where each member has time to practice all of its performance pieces. "We allow for a proper amount of lead time, something like 3½ to four months before the street date, and we don't follow a cookie-cutter approach," he says. "We get a good press story started, then coordinate closely with radio and retail."

It also helps to have major distribution. "Being with Universal has helped us grow our business tremendously. It's been amazing," says Concord VP of sales Joyce Castagnola, a former senior VP at UMVD. "But Universal has a lot more people in the field, in retail and A&R. We couldn't have done the big deals without Universal."

John Burk, executive VP/senior VP of A&R, says Concord has been ramping up a slew of projects in light of the success of "Genius Loves Company." "We're not giving up on jazz, of course, but we are looking to further expand the direction of the music," he says.

Burk, who was mentored by Jefferson for six years, notes that the expansion got into full swing with Charles, who was perfect because he was a jazz artist who was also uniquely successful in so many other genres.

"At the time we started talking with him, no one was knocking on his door to work with him," he says. "In a similar vein, we're looking to work with a whole segment of disenfranchised artists who are being underserved by the present models in the record business."

That's a key reason why roots-rocking drummer/producer Jamie Oldaker decided to link up with Concord for his debut CD as a leader, "Mad Dog & Okies." The set features guest performances by Eric Clapton, Vince Gill, Willie Nelson, J.J. Cale and Taj Mahal and is scheduled for a July 12 release.

"I may not sell a million out of the chute, but I know I won't get lost in the system here," Oldaker says. "I like Concord. I like the roster, and plus I get to talk on the phone with the people who are making the decisions. With Concord branching off beyond jazz, this is a good place for this project."

While Concord's expansion will continue, jazz will still be "at the heart and soul of the label," Barros says. He says its new signings will include the "blue chips" (legendary players like Rollins who he believes are not getting the exposure they deserve) as well as up-and-coming talent like pianist Taylor Eigsti, pop-jazz singer LaToya London (a former "American Idol" contestant) and trumpeter Christian Scott.

"There's a whole new generation of extremely talented young kids who are playing jazz," Burk says. "We're thinking of new ways of marketing them, like recording samplers and packaging them on tour together. We want to capture that explosion of the young."

On the Fantasy catalog front, little has been decided, though Barros notes, "We're looking very carefully at how to treat this treasure we have. We'll be dusting off the archives and putting them into a new spotlight."

Concord VP of artist and catalog development Nick Phillips, who is based in the Fantasy building in Berkeley, says, "There are lots of opportunities to make compilations and reissues that combine the Concord and Fantasy catalogs." He estimates that new reissue material will be released in the fourth quarter.

Phillips too was mentored by Jefferson, beginning in 1987. So, considering how Concord



has branched out, is "Jeff," as he was fondly called, rolling in his grave?

"I think he'd be proud of where we are today," Phillips says. "Growing from an indie mom-and-pop label to purchasing the Fantasy catalog would have been to him like the minnow that swallowed the whale."

Barros agrees: "Jeff asked me on his death bed to run the label. He knew our tastes in music were different, but he said he trusted me that I would do the right thing. I didn't know if I was buying into the company or asking for his daughter's hand, but he handed his baby over to me."

"We've built on his foundation and kept the artistic integrity that he fostered. Maybe he would have disagreed with what Concord has released in recent years, but in the end, I believe he'd be very proud."



CLOCKWISE FROM TOP LEFT:
Concord Records GM Gene Rumsey,
singer/saxman Curtis Stigers,
executive VP John Burk, jazz sextet
the Rippingtons, singer Karrin Allyson,
the late Ray Charles, president/CEO
Glen Barros, vocalist Peter Cincotti,
percussionist Poncho Sanchez
and singer LaToya London.



STARS

MAY
14
2005

When "El Vacilón: The Movie" premieres later this year, fans of the Spanish-language radio show on which the film is loosely based will get exactly what they paid for: the kind of raunchy, racy, R-rated humor that has made "El Vacilón de la Mañana," heard on WSKQ (La Mega 97.9), one of New York's top morning drive programs in any language.

The movie chronicles the fictional misadventures of "El Vacilón" hosts Luis Jimenez and Ramon "Moonshadow" Broussard, who play themselves. Jimenez, who wrote the script, says the film is merely a big-screen version of "some of the wild stories callers tell us, with me and Moon putting ourselves in these crazy situations."

Had Jimenez instead chosen to document his life story—as his radio rival Howard Stern did in 1997's "Private Parts"—the resulting film may not have been as sophomorically funny, but it would likely be as entertaining, if not uplifting.

Jimenez's rapid rise to radio prominence is an engrossing rags-to-riches story that begins in the Puerto Rican town of Caguas, where the teenage Jimenez never wanted to be anywhere but on the air. >>

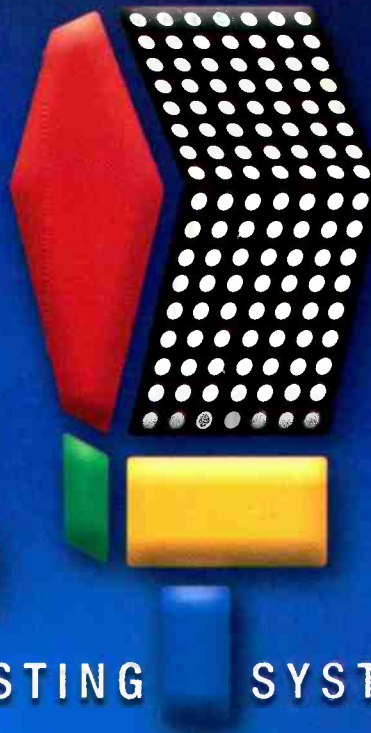
BY ROBERT
DOMINGUEZ

LUIS

JIMENEZ

LA MEGA 97.9 MORNING MAN TURNS MOVIE STAR

SBS



SPANISH BROADCASTING SYSTEM

Congratulations Luis and Moon from your family and friends at SBS



NEW YORK	NEW YORK	MIAMI	MIAMI	MIAMI	LOS ANGELES	LOS ANGELES	SAN FRANCISCO
CHICAGO	PUERTO RICO	PUERTO RICO	PUERTO RICO	PUERTO RICO	PUERTO RICO	WORLD WIDE WEB	

SOMOS RADIO



Yo vacilo

Tu vacilas

El Vacilón de la Mañana

Thanks

for

12

years

of

getting

us

up

and

going

in

the

morning

JIMENEZ (cont.)

from >>p30

He and WSKQ PD George Mier, whose father was an engineer at a radio station in Caguas, were friends in middle school. The classmates "would walk around the track and talk about radio all the time," Mier recalls.

Jimenez's first radio job, at 15, wasn't really a job—he worked for free at a station that played soft ballads. "It was a Lite-FM type of station, and I'd get to read news and talk three times an hour," Jimenez says. "But I was too young for the format. The owner would call me up and say, 'Slow down! You're talking too fast!'"

"I would forget about the easy format and just go crazy," he adds, laughing.

The experience proved invaluable, but it was Jimenez's friendship with Mier that eventually led to the big time. After Mier's family moved to Orlando, Fla., the school chums lost track of each other—until Jimenez's parents also moved the family to Orlando in the late 1980s. Mier's father was running a small station there, WONQ, and Mier offered Jimenez an on-air job.

"We hooked back up again and worked together four years in the Orlando market," Mier says. "He did mostly voice-overs for me."

The gig, however, was not exactly what Jimenez envisioned when he dreamed about being a radio star. For several years he had to supplement his meager income by working as a night janitor in a factory.

Things changed after Mier became PD at WSKQ, the FM flagship station owned by media giant Spanish Broadcasting System.

"After a month there, I decided we needed a new face for the morning show, and Luis is the only guy who came to mind," Mier says.

"We had done parodies on a small scale in Orlando, and I thought it could work if we put him here. At first, management didn't want to put him on in the morning. He went through an array of co-hosts until he hit it off with Junior Hernandez, and it eventually became the show it is now."

"El Vacilón," which roughly translates as "the morning party," is broadcast from 6 a.m. to 10 a.m.

In its early days, the show featured Jimenez and the late Hernandez acting as ringmasters for a morning circus of zany supporting char-

ing audience. La Mega became the city's No. 1 station in 1998. Five years later, "El Vacilón"—which had been battling Stern's show for the hearts and ears of morning listeners for years—finally topped Stern in the Arbitron ratings.

"Our success is because the guys are like a bunch of kids," says Mariae Alma, who is producer of the morning show and the upcoming movie, in association with Babylegs Entertainment. "They're like a gang, sitting in a living room, just hanging out and talking about whatever."

It may seem effortless, but one radio analyst says Jimenez & Co. know exactly what they are doing.

"It's clear they have a stronghold on the Spanish-speaking population," says Tom Taylor, editor of trade publication Inside Radio.

"It's gold-rush time in Spanish radio, and like with a lot of good, original shows, they don't go home and play golf after work. They work at it really hard, they're really close to their audience, and they know what's happening in the culture."

Jimenez's road to success has had its share of bumps, however.

WATCHING FOR WATCHDOGS

Though he claims to have toned down the show's borderline vulgarity in recent years, "El Vacilón" continues to be targeted by such watchdog groups as the National Hispanic Media Coalition.

"I would say it's to a lesser degree now, but it still goes on," NHMC president Marta Garcia says of the show's in-your-face content. "In the past they were blatantly pornographic. Now they're subtly pornographic."

But unlike Stern, who relishes a good public fight with his critics, Jimenez insists he doesn't enjoy controversy.

"This kind of thing affects me and gives me pressure, because I am very sensitive," he says. "We do have a clean purpose of making people laugh, even with our raunchy humor. We have no other purpose than that, and it does hurt me when people say they want us off the air and stuff like that."

"So listen to something else then!" Jimenez adds, chuckling. "Leave us alone! Leave us 3 million people alone who are listening to this show!"

One huge fan of the show isn't worried about its naughty nature. Darryl Brown, executive VP/GM of ABC Radio Networks, recently negotiated a deal with SBS to syndicate "El Vacilón" in several U.S. cities with heavy Latino populations.

"Luis Jimenez is *the* guy in the morning, and we're extremely excited to be doing business with [SBS CEO] Raúl Alarcón Jr.," Brown says.

Jimenez, Alarcón says, "is relentlessly innovating, evolving, morphing and progressing. The one constant is his enormous appeal and a huge and loyal following. On behalf of all of us at SBS, I want to thank Luis for his years of dedication and service."

Though Jimenez is excited about the opportunity to reach a nationwide audience—and help promote the upcoming movie—he insists he is happy just to be working in front of a mic.

"If I weren't doing this, I'd probably be in Florida or Puerto Rico or whatever, but I would definitely be working on the radio," Jimenez says.

"I like this job. For any DJ, it doesn't matter how much we have accomplished, it doesn't matter how many years experience he has, or how much success. There's no experience like the first time they let you go on the air, even if it's just to say the time. It's the biggest thrill of them all."



acters, sexually charged banter, bawdy skits, song parodies, phone pranks and the occasional hoax—not to mention a listening audience eager to call in and share their naughty stories, egged on by the studio crew.

On the strength of Jimenez's rapidly grow-

meqda

97.9 fm



“¡Ni ASÍ se controlan!”

MEGA 97.9 FM CONGRATULATES

**el
vacación
de la mañana**

Luis Jimenez y Moonshadow • Lunes a Viernes 6-11

OFF THE AIR

A Q&A

BY ROBERT DOMINGUEZ

When Luis Jimenez walked away from the only job he ever wanted, little did he know he would soon become one of North America's top morning-show DJs.

This may come as a shock to the legion of radio fans Jimenez has been entertaining for the past dozen years as host of "El Vacilón de la Mañana," on WSKQ (La Mega 97.9) New York, but the notorious shock jock was once so intimidated by the prospect of manning a mic in such a massive market that he was about to turn down the job.

Luckily for the station—and its parent company, Spanish Broadcasting System—Jimenez got over his fright and stayed on for what became an unlikely success story.

The 32-year-old, Puerto Rico-born Jimenez, whose only previous experience was toiling part time at a small station in Orlando, Fla., soon turned four hours of racy jokes, skits, song parodies, hoaxes and pranks into the city's No. 1 morning drivetime program—managing to temporarily dethrone the King of All Media, Howard Stern, in the process.

But "El Vacilón"—"the morning party"—is more than just a breakfast staple for much of the city's burgeoning Latino population. In the 12 years since Jimenez has been on the air—



JIMENEZ

with original co-host Junior Hernandez (who died suddenly in 1998) and with current sidekick Ramon "Moonshadow" Broussard—the show has become a cottage industry, spawning several best-selling CDs, a series of sold-out live shows he has hosted at Madison Square Garden and an upcoming comedy film.

Not to mention complaints to the Federal Communications Commission about the program's over-the-top, often sexually charged antics.

Yet Broussard credits the "family atmosphere" Jimenez has nurtured in the studio for the show's success.

"What makes the show work is that first we're friends, and I think that's what makes the difference," says Broussard, who joined "El Vacilón" five years ago.

"Working with Luis means just being able to be yourself and not even thinking. There's a feeling of family, and everyone on the show feels like they're one of the guys, too."

Jimenez recently sat down with *Billboard* to talk about his career, the growth of the show and the eagerly anticipated "El Vacilón: The Movie."

Your movie was supposed to be released in February, but now it looks like it'll be later this year. What happened?

It was going to be a small, independent distribution deal, and then we consulted with [Luis Balaguer of Latin World Entertainment] in Miami, [who] saw the movie and said, "We can make this bigger—we can actually get a big company to lock this up with distribution." So that's what we're working on right now. He hopes this should be out [later this year].

No doubt it will have the same raunchy sense of humor the show is famous for?

I think it is a raunchy movie. We believe we can't do anything less than what we do on the radio, and more is what we did. We actually went a little further with the movie. But it has a plot. Actually, one thing connects very well with the other. It's not just sketches.

But it is you guys just being yourselves in crazy situations? It's basically how people see Moonshadow and I, as two DJs. And what they think our lives may be off the air also.

You're always in a neck-and-neck battle for ratings supremacy with Howard Stern. He also starred in a movie, "Private Parts," as himself. Do you see people comparing the two?

The movies are totally different. His movie is based on his life, and our movie is not autobiographical at all. But I do believe he opened the doors for radio personalities to go beyond the radio. And I believe that probably if he hadn't made the movie, it would have never crossed my mind to even think that two DJs could make a movie and it could be successful.

Let's talk about your background. Is it true you were a janitor before coming to radio?

I started in radio when I was 15 years old. I got a chance to work for free at a radio station [in Puerto Rico], but then I couldn't really find a good job on the radio. I kind of decided to move with my parents to Florida. I requested a job at a radio station over there [WONQ], because the program director at the time, George Mier—the owner's son—told me that he had a job for me.

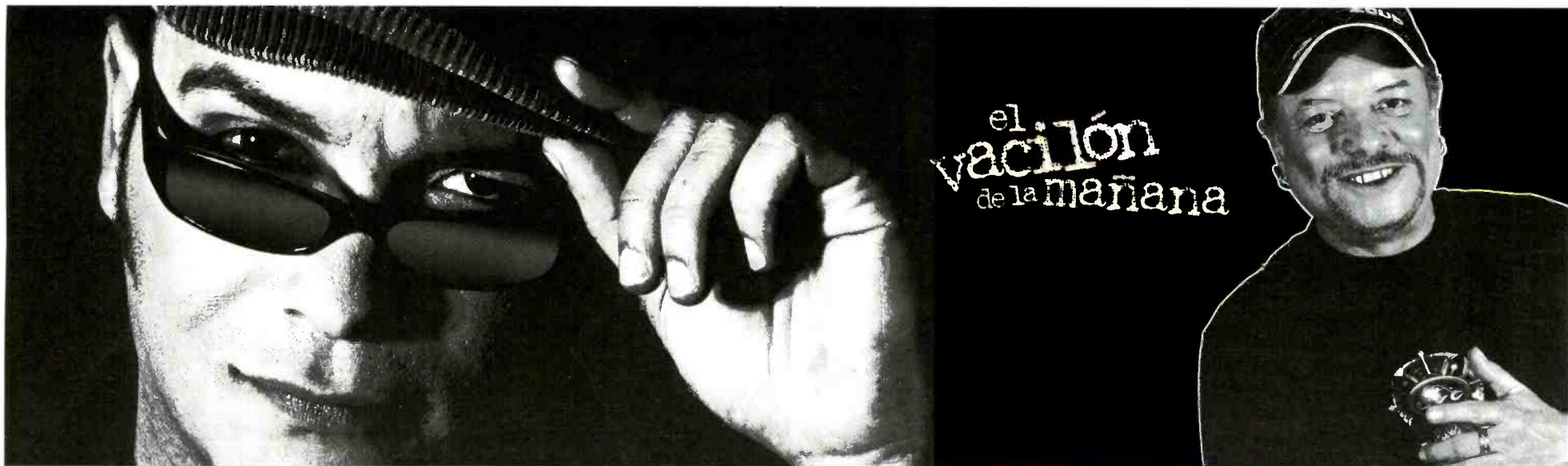
But when I got there his father said, "Well, I don't have any shifts. As a matter of fact, I can only maybe give you a Sunday."

I worked as a storeroom clerk for a hotel in Orlando, and I started working during the day at the radio station. But at night, my main source of income was being a janitor at a factory. I did that for a few years. That's how I paid the bills. The radio [work] was there, but I was making very little money with it.

How did you get to New York?

George Mier became the program director for WSKQ in New York. I guess he felt bad for what he did before, so he called me up for an interview with [Spanish Broadcasting System CEO] Raúl Alarcón Jr., and I was offered the midday shift, 10 to 3.

They put me on the air for one hour on a Wednesday afternoon, and I thought I did terrible, I was so nervous. I was coming down to Mr. Alarcón's office to tell him that I was too scared and that I didn't think I was ready for New **continues on >>p36**



Congratulations to Luis Jimenez and Moonshadow on making El vacilón de la mañana NY's "¡Numero Uno!"





CONGRATULATIONS

EL VACILÓN DE LA MAÑANA



LUIS Y MOON

MICMI

MERCADO / CABRERA / MUSIC

ARRESTING MOMENTS

Luis Jimenez, host of "El Vacilón de la Mañana," on WSKQ (La Mega 97.9) New York, experienced the ultimate radio prank a few years ago. As PD George Mier recalls: "Detectives came to the radio station with a sheriff and a warrant... very legit. In the middle of the show they burst in and said, 'Are you Luis Jimenez? You're under arrest.'"

"They stopped the show. They handcuffed him, took him outside the radio station, took pictures and put him in the back of a car for 45 minutes."



MIER

"Luis didn't know what was going on. It was all dead air on the radio. Forty-five minutes later they told him, 'We got you!' It was the ultimate prank! It was never done to him before, and we never found out who [staged] it."

Antics aside, Mier believes Jimenez has gained a loyal listenership because he is "a people person."

"It's never a 'This is about me' show," Mier says. "I think that's a significant reason why he is so successful. Luis does not disconnect from his people. The show is designed that Luis does not always have the punch line. Sometimes the listener has the punch line. As long as he stays in sync with the market, he will always stay where he is—at the top."

—DEBBIE GALANTE BLOCK

from >>p34

York, that it was too big for me.

I was rehearsing how to tell him when he looks up from his chair and says, "Welcome to SBS," before I could open my mouth. How do you tell Mr. Raúl Alarcón, "No, I'm scared?"

The next day I was going to leave, and they called me and said, "By the way, you're not doing mid-days. We lost one of the guys in the mornings, so you're going to fill in on the morning show until we get somebody." And as I always say, I'm still waiting. The guy has never shown up. The show started Monday, Aug. 9, 1993.

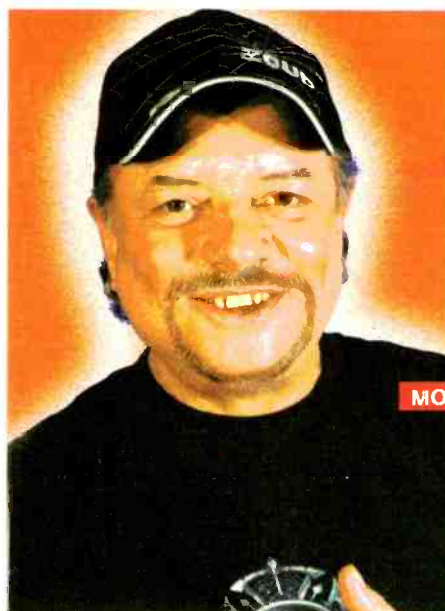
Describe the show in its early days. It must have been totally different from what it's like now. Oh, absolutely. I used to fight all the time with the station manager because he wouldn't let me develop the raunchy humor that I wanted to add to the show. It was very lame. We even had, like, three minutes of some guy talking politics, and there was a horoscope. If I did a joke, I would be called downstairs immediately: "How can you say 'nalgas' [rear end] on the air? Are you crazy?"

After the manager left the company, I was free to do what I wanted because nobody was paying attention to this lame morning show. So I said, "Let me experiment," and that's how the show took off, with Junior Hernandez [as co-host] at that time.

Did you know him before that?

Yes, he was a DJ here. He was the guy who showed me New York even before I knew we were going to work together. He was like a brother. I miss him a lot. We would love each other like crazy and scream at each other and be cool five minutes later. Junior was great. He helped me take the show where it is today.

When did you know the show was finally taking off? Is there one clear moment when you said, "We've got it now, this is the di-



MOONSHADOW

rection we're going to take the show from now on?"

Yes—when I asked for a raise and Alarcón said yes. That's when I knew the show was taking off. I'm serious about this. I was very concentrated on making the show better. Everybody was giving me opinions and I wasn't really listening to anybody. I didn't want anybody to affect what I wanted to do with

this show. I had too much of that before. So the show was a big success, it was in the top three [in ratings] at the moment, and I said maybe I can ask for a raise, and I did.

Are you always conscious of the ratings?

I never concentrate too much on it. I actually hate it when somebody tells me the ratings are coming out, because that gives me so much

pressure. I don't like to think about it.

There must have been an immense feeling of joy when the station finally hit No. 1, though, in 1998.

Yes—and I went into the office and I cried, because that happened a few months after Junior died. I cried because Junior wasn't there when it happened, and it was with him that I did it. It was a very emotional moment.

At this point, what is left to accomplish? You guys have your CDs, your live shows, the upcoming movie. Are there plans to do a TV show?

We've had offers to do that, but we don't want to because it's going to look so much like what Howard does. So we don't really want to get into that.

All these things come out of the radio show, so our main goal is to have the show keep growing on the radio, to have more people listen. All these things we do are because our fans ask for it, or we wouldn't do it. We think it's fun, but our main thing is the radio. We're not going to leave radio for Hollywood [laughs].

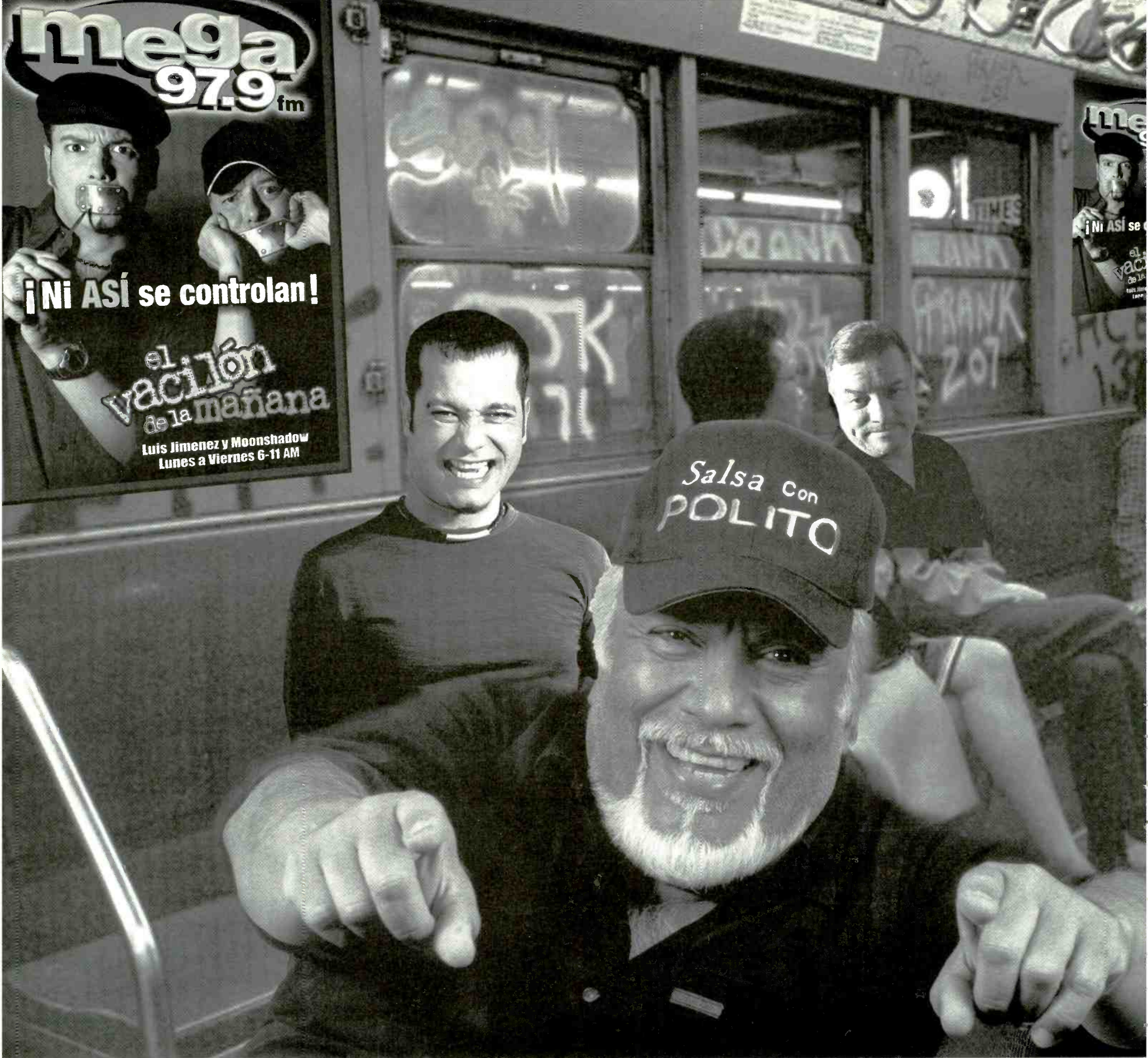
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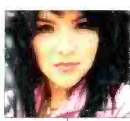
UNIVERSAL MUSIC LATINO



Dierks Bentley
He's a 'Modern Day Drifter'



Erika Jo
A new 'Nashville Star' is born



Jaci Velasquez
Crosses pond for a producer



Dave Matthews Band
Billboard reviews 'Stand Up'

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MUSIC

MAY 14, 2005

ROCK BY RAY WADDELL

TIME FOR DMB TO 'STAND UP'

As the first new studio album from Dave Matthews Band in more than three years, "Stand Up" is about to be counted.

The new record from the Charlottesville, Va.-based band takes DMB into new sonic territory under first-time DMB producer Mark Batson (Eminem, 50 Cent, India.Arie). "Stand Up" drops May 10 as an RCA DualDisc, with lead-off single "American Baby" already gaining ground at radio.

"I'm biased because we had such a good time making it, but I have to say for the time being it's my favorite," Matthews tells *Billboard*. "I don't think we've managed to have as much enjoyment in the studio as we did on this record, and I don't think we've necessarily come up with such a good result before."

"Stand Up" was recorded in the band's Haunted Hollow Stu-

dio in Charlottesville. Working in these familiar confines with Batson gave DMB a shot of creative adrenaline. "He sort of becomes a third arm to the band," bassist Stefan Lessard says. "He's probably the only producer I've ever worked with that's able to produce at least four songs a day."

Batson's own chops and fast-paced studio ethic tapped into the band's instincts. "The pace of working brought a spontaneity to the songs that I don't think we've had on record before," Matthews says. "It has a real modern sound, but also a back-porch quality that really turned me on."

"Stand Up" ranges from world beats and funk jams ("Stand Up [For It]," "Louisiana Bayou," "Smooth Rider") to sparse piano-driven set pieces ("Steady As **continued on >>p40**

COUNTRY BY DEBORAH EVANS PRICE

Van Zant Brothers Trade Southern Rock For Country

NASHVILLE—It took two Southern-rock legends to deliver one of this year's most-talked-about debut country records.

Lynyrd Skynyrd's Johnny Van Zant and brother Donnie of .38 Special make their official bow in the country market with the May 10 release of "Get Right With the Man" on Columbia Records.

"It wasn't an accident," Sony Music Nashville president John Grady says of landing the duo, which is using the moniker Van

"The album is a dream come true."

—DONNIE VAN ZANT

Zant. "We actively pursued Van Zant. It was their idea to make a country record. It was our idea to make it here."

Donnie Van Zant calls the project "a dream come true for us. We've been wanting to do this now for at least 10 years. We've got a brother, Ronnie, who was killed in 1977. He wanted to do a country record, so we are really getting to live out his dream too."

Johnny Van Zant says the brothers aren't going country, they've always been country. Indeed, if you poll any of today's core country artists, nearly all will eagerly pay homage to the influence of Skynyrd and .38 Special.

"[It's an] opportunity for radio to deliver the 35-year legacy of Skynyrd and .38 Special's audience into a contemporary radio format known as country," Grady says, adding that Van Zant's base is comfortable with rock and country.

"This is the right time," Johnny says of making a country album. "With people like Gretchen [Wilson] and Montgomery Gentry and Big & Rich making records, that's not far from us. We could have sung [Montgomery Gentry's hits] 'My Town' or 'Hell Yeah!'"

Donnie says it took only five minutes to decide whether Sony was the right place for them. "They told us from the very get-go, 'Go into the studio, be natural, be yourself.' That's what they wanted from us and that's what we did."

Produced by Mark Wright and Joe Scaife, "Get Right With the Man" was originally set for a June 7 **continued on >>p40**



Dave Matthews Band

FACT FILE

Label: RCA
Management: Coran Capshaw, Red Light Management
Booking: Monterey Peninsula Artists
Publishing: Golden Grey (ASCAP)
Top-selling album: "Crash" (1996), 5.4 million
Last studio album: "Busted Stuff" (2002), 1.9 million



The Cream Of Coachella's Crop

It was one of those moments that you don't see coming. As two of my friends and I waited in the security line at the Coachella Valley Music and Arts Festival April 30, a thought crept into my head: At what point will I feel too old to go to a multiday, multi-act festival?

The three of us then started chatting with two college boys. One of them asked how we got our VIP wristbands, and then delivered the fatal blow: "Are you parents of a band?" Seeing our crestfallen faces, he quickly added, "Or lovers?" Too late, my young friend, the damage was done. And then, quite frankly, challenging us to a dance-off only added insult to injury since my knees would have never held up. Sheesh.

But was that the sign, I wondered, as I fought with security guards over my God-given right as an American to bring a ball-point pen onto the grounds. Happily, as Coachella proved, it looks like my festival days are far from over.

Coachella was one of the best-run and most enjoyable festivals I've attended. Presented by Golden Voice/AEG, shows ran, by and large, on time; the grounds were crowded, but never oppressively so; and the lineup was delightfully diverse, but all acts fit into the overall festival vibe.

Highlights among acts I saw for the first time included Canadian hip-hopper Buck 65. Playing to track and accompanied by only his turntables, the Warner Music artist (V2 in the United States) recalled Beck and Everlast, but he spun tales, such as one song about a door-to-door encyclopedia

salesman, that are uniquely his.

Katie Melua, whose *Dramatico* album has been certified five-times platinum in the United Kingdom (she is on Universal in the States), deserves a much bigger U.S. following, based on her jazzy, jaunty songs that are both eclectic and mainstream. The audience loved her.

Los Angeles darlings Rilo Kiley (Brute/Warner Bros.) showed why the band is gaining new fans every day. It runs the gamut from rock to pop and alt-country, and each song has its own little endearing twist that makes it special.

Among the established acts, Wilco and Coldplay delivered muscular sets that were textbook cases of how to play a great show. Wilco could teach the younger kids a thing or two about how to pull off a jam that remains tight, instead of one that dissolves into messy cacophony.

QUICK HITS: Jennifer Lopez, who Simon Renshaw briefly handled when he was at the Firm, has come back to the company for management. Her career is now being guided by Firm founder Jeff Kwatinetz . . . Danielle Romeo is the new Los Angeles-based publicist for Nettwerk America. She was previously with the Mitch Schneider Organization.



Photo: Jason Squires/WireImage.com

Wilco's Jeff Tweedy

VAN ZANT (cont.)

from >>p39

release, but was moved up because of a heavy street buzz on the project.

First single "Help Somebody," penned by Kip Raines and Jeffrey Steele, is No. 32 on the *Billboard* Hot Country Songs chart. Billy Joe Walker Jr., Rivers Rutherford, Tim Nichols and Craig Wiseman are among the songwriters who contributed songs to the album. The Van Zant brothers co-wrote seven tracks.

"We've always tried to write songs that move us emotionally and spiritually," Donnie says. "We write about the truth . . . People relate to that."

The brothers remain with their respective rock bands, but do plan on touring as Van Zant in the fall. "I've been with Lynyrd Skynyrd 18 years now and I want to be there for the last note of 'Free Bird,'" Johnny says.

And .38 Special fans will be glad to hear Donnie is equally committed to his group. "I'm celebrating my 30th anniversary with .38 Special," he notes. "I look forward to being there until the last note too."

Plans call for a "hometown" in-store May 13 in Jacksonville, Fla., at Wal-Mart. The brothers will also perform during the Country Music Assn.'s CMA Music Festival in

June and are slated to make an appearance on the WB's "Blue Collar TV" show in July. The label plans a dance club promotion for the track "Sweet Mama."



The Van Zant Brothers: Johnny, Jeff, and Donnie

FACT FILE

Label: Columbia Records

Management: Ross Schilling, Vector Management

Booking: The William Morris Agency

Publishing: Shantytown Music (ASCAP)

DMB (cont.)

from >>p39

We Go"), moody jazz ("Stolen Away on 55th & 3rd") and shape-shifting rock ("American Baby," "Hunger for the Great Light").

Batson often broke down DMB into its separate parts to formulate songs and grooves. "Our sense of songwriting flourished in this environment," Matthews says. "Each personality had a chance to make a statement that might not be as easy to make if we did it all together sitting in a circle."

Thematically, "Stand Up" blends spirituality, romance and biting political statement. "Love and sex, boy meets girl in an ugly world, that's usually my inspiration," Matthews explains. "I love women, I love my family, and I love the world, but I'm troubled by all of them."

Hugh Surratt, senior VP of artist development/creative at RCA, says this project was ripe for the DualDisc treatment.

"The material we have for the DualDisc really captures the personality of the band members, what went into making the record, the vibe

in the studio, and how the addition of Mark Batson as a co-producer of the project brought in an entirely fresh element," he says.

Supplementing the standard "marketing and promotion 101 things," Surratt says, is a strong single out of the box. "Reaction at radio to 'American Baby' has frankly been stronger than any single I believe we've ever put out from this band," he says. The track rises 14-12 on the *Billboard* Adult Top 40 chart.

A May 9 show at New York's Roseland Ballroom will be webcast live on AOL Music. But DMB's most valuable marketing tool is its remarkable touring base, and RCA is already taking advantage of DMB's box-office clout.

"[Tour promoter] Clear Channel tagged the forthcoming album's street date and used 'American Baby' as the music bed for most of their radio and television advertising, and also tagged the album release in the print ads," Surratt says. Additionally, DMB, which runs its own ticketing operation, lists info about "Stand Up" on the back of each

concert ticket.

On TV, VH1 has committed to playing the "American Baby" video 40-50 times a week leading up to street date. VH1 will also feature the video in its "Hear Music First" program, followed by a "Storytellers" episode that will air after the launch of the record.

This is DMB's first studio release since the Sony-BMG merger, and the first since the band restructured its deal with RCA in protracted negotiations last year.

"I'm happy," Matthews says. "It's a different room, you've got a different energy in there with RCA because of the connection with Sony. So there's a new pool of people, an eagerness around it. We'll work with them, and hopefully they'll work with us and it will turn all beautiful, and if it doesn't, we'll just take it on the road."

As to his new deal, Matthews says, "I think we restructured it magically and very favorably for ourselves. And hopefully it has a consequence of artist-friendly deals happening more frequently, as long as our industry survives."

Latin Notas

LEILA COBO lcobo@billboard.com



Awards Heat Up TV

Latin Music Awards Show Garner's Highest Rating Ever

It was a ratings boom for the Billboard Latin Music Awards.

The show, which aired live 8 p.m.-11 p.m. April 28 on the Telemundo network, pulled an 11.6 rating (attracting 2 million viewers), according to Nielsen, up from 8.2 the year before. This year's show is the highest-rated edition since Telemundo began airing the awards in 1999.

The evening's high point was the finale. It featured urban regional duo **Crooked Stilo** followed in quick succession by **Daddy Yankee**, singing a medley of hits, and **Sean "P. Diddy" Combs**, who joined Daddy Yankee.

Manning a console during Daddy Yankee's performance was producer **Luny** (one-half of reggaetón production team **Luny Tunes**), who produced Daddy Yankee's "Gasolina." Prior to the awards show, Luny

led a production session during the Billboard Latin Music Conference, joined by reggaetón duo **Wisn y Yandel** and **Mr. Phillips**, who are all featured on Luny Tunes' Universal album "Más Flow 2."

Mr. Phillips' rendition of his rap on the Luny Tunes remix of **Frankie J's** "Obsession" was a highlight of the session.

That spontaneity, coupled with a spirit of adventure, are at the core of the genre's success, all involved said.

Luny said for the genre to develop, new rhythms and voices have to be incorporated.

Upcoming projects include collaborations with **Rudy Pérez**—the Billboard Latin Music Award winner for producer of the year—who hosted a reggaetón night as part of the conference. Pérez is working with Luny Tunes on tracks for **Michelangelo** and model **Sissi**. Reggaetón was also on the

minds of the 14 teenagers who took part in a panel that served as a veritable focus group for attendees, who were intent on hearing the teens' musical preferences.

The teens expressed universal reluctance to set foot inside a record store. Their favorite way of acquiring music was downloading it for free.

Not one had ever paid for a download, and yet, they have readily paid for ringtones. ("I only need one or two ringtones, but I download too many songs to buy [them]," one teen said.) Convenience was more important than price to many.

What would get these teens to actually go to a store and spend money for music?

In-store appearances that provide a chance for them to see their artists, incentives (such as a T-shirt or cap with purchase) and access to CDs at concerts.



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Oz Act Crosses 'Oceans'

Go-Betweens Go For A Broader Audience

Buoyed by its best reviews since forming 27 years ago, cult Australian outfit **the Go-Betweens** is touring through June in support of new album "Oceans Apart." The tour includes the band's first U.S. dates since 2001.

The Go-Betweens' are singer/songwriters **Robert Forster** and **Grant McLennan**. They are published by **Complete Music**.

Last year, the duo signed with London-based indie **Lo-Max Records** for the world excluding continental Europe, North America and Australia. The label reissued three of the band's 1980s albums last September in the United Kingdom and has global rights (excluding Australia) to its five other studio albums.

"Oceans Apart" had an April 25 U.K. release on Lo-Max and arrived April 26 in Europe through Mainz, Germany-based **Tuition**. The set bowed May 1 in Australia on EMI and May 3 in North America on **Yep Roc**.

Lo-Max managing director **Alison McGourty** admits the Go-Betweens' commercial success has never matched their critical acclaim. "I'd like to see a much broader audience develop for the band," she says. "They have a really strong catalog and a truly great new album to lead the way."

—STEVE ADAMS

DIVING UP: Swedish-based Norwegian singer/songwriter **Ane Brun** calls herself a late



bloomer, but she is making up for lost time with sophomore album "A Temporary Dive" (**DetErMine/V2**).

"It wasn't until after I moved to Sweden in 2000 that I thought of making a living from my music," Brun admits. After two independent EPs, Brun's debut album, "Spending Time With Morgan" (**DetErMine/V2**), arrived in May 2003, followed that fall by a European release. "Dive" is licensed internationally from her **DetErMine** label to **V2** and has been released in Scandinavia, Belgium, the Netherlands, Luxembourg, Spain, Germany and Austria. It entered Norway's **Verdens Gang** chart Feb. 14 at No. 1 and hit Sweden's **GLF** chart two weeks later.

It will arrive May 17 in France and June 6 in the United Kingdom. Brun plays May showcases in London and Paris prior to a Danish tour in June and appearances at Scandinavian summer festivals. Brun has her own publisher, **Ane Brun Publishing**.

—NIGEL WILLIAMSON

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NIVEA O'KAY 5-6	OMARIAN O 5-6	FANTASIA TRUTH IS 6-6	JENNIFER LOPEZ GET RIGHT 5-6
BEANIE SIGEL FELL IT IN THE AIR 6-6	FABOLOUS BABY 6-6	SNOOP DOGG LETS GET BLOWN 5-6	CIARA 1.2 STEP 5-6
AMERIE ONE THING 6-6	TWEET TURN DA LIGHT'S OFF 5-6	T.I. U DONT KNOW ME 6-6	DESTINY CHILD SOILDER 5-6
VJ TOP 20 40 Hours Weekly		LATIN 87.7 FM New York	
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TRICK DADDY LETS GO 5-6	AMERIE ONE THING 5-6	OMARIAN O 5-6	NAS BRIDGING THE GAP 5-6
JIMENA EN SOLEDAD 5-6	OS CHALCHALEROS DESPEDID 5-6	SELENA AMOR PROHIBIDO 5-6	CHAYANNE AUN SIGLO SIN TI 5-6
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CABA'S LA CADERONA 5-6	PAULINA RUBIO ALMA EN LIBERTAD 5-6	SHAKIRA THE ONE 5-6	DIEGO TORRES QUE NO ME PIERDA 5-6
VIRGINIA LOPEZ CARMELO DI LIMON 5-6	TIGRES DEL NORTE REYNA DEL SUR 5-6	OBIE BERMUDEZ ANTES 5-6	FABULOSOS CADILLAC MATADOR 5-6
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COUNTRY BY PHYLLIS STARK

BENTLEY 'DRIFTS' IN

NASHVILLE—"Modern Day Drifter" is not just the title of Dierks Bentley's new album, it is also his lifestyle. The up-and-coming country artist is homeless, albeit by choice.

Bentley spends so many days on the road—300 last year—that he has given up his Nashville houseboat to live with his band on the tour bus he refers to as the "USS Petri Dish." When he comes to Nashville, as he did recently for a party Capitol Records threw to celebrate the platinum certification of his debut album,

Bentley stays in a hotel. When he spent 10 days here recording his new album last fall, Bentley slept in the studio.

Bentley, the Academy of Country Music's reigning top new artist, thinks it is that road work that has built his fan base. Thus, he'll keep up the pace for the new album, which streets May 10.

"I feel like all the hard work of the last couple of years will get a good thing started so maybe next year we can cut back a little bit on playing every county in the country," he says.

"We sold a million records and I think I sold every one off a handshake or drinking a beer with someone after a show," Bentley says, only slightly exaggerating when he adds, "we met every person who bought a copy of that record."

The album's sales were also boosted by three hit singles, including the No. 1 "What Was I Thinkin'."

Like the last album, "Modern Day Drifter" was produced by Brett Beavers. And like the last one, it features sparse production, bluegrass instrumentation and a collaboration with the Del McCoury Band. Bentley also enlisted Alison Krauss to sing on a track.

The album's first single, "Lot of Leavin' Left to Do," is No. 11 on the *Billboard* Hot Country Songs chart. KILT Houston assistant PD/music director Greg Frey says the track "does a great job of solidifying 'the Dierks sound.' It's somehow traditional and innovative at the same time and infused with clever lyrics."

While Bentley's songwriting decidedly takes a guy's point of view, his fans are largely young women. "Good god, the girls love Dierks," Frey says. "When

he comes to the station, that's all the ladies in the office talk about for a week after."

Further exposure for the album will be generated by a CMT "Total Access" special, which premieres May 28. A Sessions@AOL performance was posted online in early April. Bentley made an appearance April 28 on NBC's "Today" and has also been interviewed for the TV Guide Channel and GAC's "Country Across America." He'll appear

May 16 on "The Tonight Show With Jay Leno."

Concurrent with the album release, Capitol will issue a limited-edition two-disc CD/DVD package that includes Bentley's music videos, a surround sound mix of the new album and footage of Bentley and Beavers discussing each song. In addition, Bentley is selling a fan-club-only version of the CD—featuring different artwork—on his Web site. ■■■

FACT FILE

Label: Capitol Records Nashville

Management: Scott Kernahan, the Erv Woolsey Co.

Booking: The William Morris Agency

Publishing: Sony Tree (ASCAP)

Top-selling album: "Dierks Bentley" (2003), 834,000



BENTLEY



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Erika Jo's 'Star' Rising

Third-Season Talent Series Winner Has Confidence To Spare

As a child, Erika Jo liked to tell her father that Tony Brown would one day produce her music. Now, the third-season winner of the USA Network talent series "Nashville Star" is living that dream.

Signed to Universal South Records thanks to her win, Erika Jo's debut album is not only being produced by Brown—that label's senior partner—but by his fellow senior partner Tim DuBois as well.

Despite being just 18 years old, Erika Jo Heriges (she has opted not to use her last name professionally) was quite familiar with the work of both men long before signing with the label. As a child, she studied the liner notes of her favorite country albums, including the Brown-produced CDs of her idol, Reba McEntire.

Only a high school senior, Erika Jo has been in the spotlight her whole life. She participated in kiddie beauty pageants until the ripe old age of 4, and has been traveling and singing with her father's band since she was 5. While primarily a country group, Erika Jo says she sang "everything from Stevie Nicks to 'Lady Marmalade'" with the band.

Relishing her newfound fame, Erika Jo says her parents "have been waiting for this just as long as I have. My dad is kind of living through me." Her father had pursued a record deal at one time but never landed one.

The teen, who hails from Mount Juliet, Tenn., is the first female to win "Nashville Star" and the youngest contestant to compete on the show.

She says winning the contest was "a com-

plete shock to me as well as to a lot of other people," particularly since her chances of even making it onto the show did not look good.

When she auditioned at Nashville's Wildhorse Saloon, the judges were ambivalent about her performance and debated whether to send her on to the next round. "I guess you could say I had a complex about it," she says. Complex or no, Erika Jo was the one contestant who came across as polished, poised and professional on the show each week, despite her age.

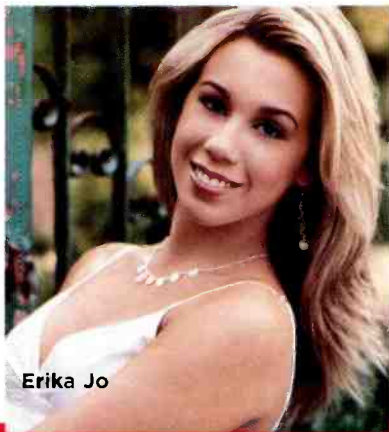
She was named the winner during a live broadcast April 26. In addition to her deal with Universal South, her prizes included a Chevy Silverado pickup truck and a May 21 appearance at the Grand Ole Opry. She has also made an appearance on NBC's "Today."

First single "I Break Things" was digitally delivered to country radio immediately after the show concluded. It debuts on the *Billboard* Hot Country Songs chart this issue at No. 53. Written by

Wade Kirby and Monty Criswell, it is already familiar to "Nashville Star" viewers who saw Erika Jo perform it during the finale.

The artist, who has not yet selected a manager or booking agent, has one month to record her debut album. But she'll need a few days away from the studio to take her finals and attend graduation. The album comes out June 14.

This summer Erika Jo will embark on a national tour with three "Nashville Star" runners-up: Jason Meadows, Jody Evans and Jayron Weaver. The tour runs June 16 through Sept. 27.



Erika Jo

Higher Ground

DEBORAH EVANS PRICE dprice@billboard.com

Brickman Says 'Grace'

Jim Brickman's talent has garnered him success in multiple formats, and an array of acts including Point of Grace, Martina McBride and Michael W. Smith have enjoyed successful collaborations with the pianist. His newest effort, "Grace," finds Brickman focusing his musical gifts on the Christian market, as the Windham Hill release is getting a push from Provident Integrity Distribution.

Brickman's love for classic



Jim Brickman

hymns inspired the new project. "Grace" includes "How Great Thou Art," "Holy, Holy, Holy" and "Crown Him With Many Crowns."

"I'm very passionate about faith-based music," he says.

Most of the album is instrumental, but Brickman enlists some of his favorite vocalists on four tracks. Curb trio Selah sings on "Be Thou Near to Me." Mario Frangoulis performs "Ave Maria." Michael Bolton joins him on "Hear Me (Tears Into Wine)," a new song co-written by Brickman and Tom Douglas. Ginny Owens lends her voice to "Amazing Grace."

What prompted Brickman to enlist Owens? "I simply heard her sing. There's an example to me of an angel," he says. "She's a messenger. Her gift is so God-given, and it's really stirring."

Bolton's cut, one of the album's best, has been serviced to adult contemporary

radio. Brickman would like to see the single also get a shot at Christian radio. "I'm not sure how that's going to be received, just because [Bolton's] not really core to the format," Brickman says.

"Grace" marks the first time Brickman has recorded an album mainly consisting of covers. "I felt like it was time in my career to take my style and show my ability to interpret other work rather than write another whole studio album," he says.

Brickman's deal with BMG's Windham Hill is up, which has him exploring other options. His next project will be an album of Disney songs, tentatively titled "Imagination," on Disney Records.

"I'm seeing a lot more families at my concerts, multi-generations," he says. "I wanted music that was familiar, family-oriented, positive, hopeful, inspirational. The two things that come under

that category are faith-based songs and Disney songs."

Brickman enjoys that his music has found a home on multiple formats, including AC, Christian and country, and he credits his background creating music for commercials with fueling his ability to delve into different genres.

"When you are doing commercials every day, clients will ask you for a reggae thing for this suntan lotion, and then the next day [they] want rock-'n-roll for a car, and the next day it's a country song for an air freshener, so you become adept [at] different genres," he says. "Music is music. To me, the only common thing that all these [songs] have is their ability to connect emotionally to people's heart and soul. That's the mission."

UPCOMING: Daywind trio Greater Vision is in the studio with producer Lari Goss recording its next release.



LATEST BUZZ

>>>YEARWOOD MOVES TO VECTOR

Trisha Yearwood has signed with Ken Levitan at Vector Management. She was previously managed by Nancy Russell at Force. Yearwood's next album, "Jasper County," bows Sept. 13 on MCA Nashville.

—Deborah Evans Price

>>>VIVES READY TO ROCK

Carlos Vives' El Rock de Mi Pueblo tour kicks off Aug. 13 at the American Airlines Arena in Miami, and will hit 21 cities including New York, Los Angeles and Chicago. Vives will play mostly arenas and some theaters.

—Leila Cobo

>>>HILL NO LONGER AMISS

Faith Hill returns May 10 with her first single in more than two years. "Mississippi Girl" will appear on the Warner Bros. album "Fireflies," which comes out later this year. In addition to playing the song over the airwaves, a number of radio stations will offer the track as a two-week, timed-out download on their Web sites starting May 10. Adam Shoenfeld and Big & Rich's John Rich wrote the song specifically for Hill, who hails from the Magnolia State.

—Melinda Newman

>>>WILSON 'JACKED' FOR FOLLOW-UP

Gretchen Wilson, whose Epic Nashville debut "Here for the Party" has been certified quadruple-platinum, will release her follow-up album Sept. 27. The new project, "All Jacked Up," was produced by Wilson, Mark Wright and Big & Rich's John Rich. The album features vocals from Merle Haggard on the track "Politically Correct."

—Melinda Newman

>>>SAVOY SIGNS NASCIMENTO

Brazilian world music/jazz artist Milton Nascimento has signed with Savoy Jazz. His July 26 label debut, "Pieta," will mark his first U.S. release since 1999's "Crooner" on Warner Bros.

—Melinda Newman

>>>LITTLE DOG HUNGRY FOR MEAT

In other signing news, Former Meat Puppets singer/songwriter/guitarist Curt Kirkwood has signed with Little Dog Recordings. He is working with Little Dog founder Pete Anderson on his solo debut. . . . Lofton Creek Records has signed Britton Jack to its artist roster. The duo is working with producer Justin Niebank on its label debut; first single "Fallin'" is already at country radio. . . . Fuel Records inked a two-album deal with singer/actress Rebecca Pidgeon.

—Phyllis Stark and Melinda Newman

>>>REACHING NEW HEIGHTS

Victory Records' Hawthorne Heights takes the pole position on Top Heatseekers Albums this issue. It also marks the third straight week of chart gains for the band, which has jumped 73 places the last few weeks on The Billboard 200 and this issue stands at No. 104. This week's advance is propelled by a promotion at Best Buy that offered the album "The Silence in Black and White" for \$9.99. The previous weeks' gains can be attributed to appearances on MTV, MTV2 and Sessions@AOL.

—Keith Caulfield

>>>LEDoux HONORED

Late rodeo champion and country singer/songwriter Chris LeDoux will be honored posthumously with the Academy of Country Music's Pioneer Award May 17 during the ACM's televised awards show on CBS. Garth Brooks will accept the award on behalf of LeDoux's family. In 1989, Brooks mentioned LeDoux's name in his hit "Much Too Young (To Feel This Damn Old)," which inspired a renewed interest in LeDoux's work. LeDoux, who recorded 37 albums and sold more than 6 million records, died March 9 after a lengthy illness.

—Ken Tucker

CHRISTIAN BY DEBORAH EVANS PRICE

Velasquez Reveals Her Inner 'Beauty'



Velasquez

Chalk it up to youthful naiveté or saucy determination, but Jaci Velasquez has never been content to play by the rules. She has pushed the envelope with her musical choices, sense of style and career decisions, including a film role in "Chasing Papi" that had tongues wagging in Christian music circles.

Velasquez steps out again on her new Word/Curb/Warner Bros. Records release, "Beauty Has Grace," which streets May 3. Instead of using one of the usual suspects in the Nashville production community, Velasquez traveled to England to work with Martin Terefe, whose credits include Coldplay and Ron Sexsmith. "I've been stalking Martin for about two years," says Velasquez, who finally tracked him

down and calls it "the best decision I've ever made."

The artist expects a few raised eyebrows. "In Nashville, whenever you go and step outside the box and do something different, you better make sure that it's pretty darn good because people love to go, 'Hm, see, it didn't work.' You have to

FACT FILE

Label: Word/Curb/Warner Bros. Records

Management: Ivonne Pineda-Martínez and Alejandro Asensi, AA Music Management

Booking: The William Morris Agency

Publishing: Jax & Broder Music (ASCAP)

Top-selling album: "Heavenly Place" (1997), 850,000

Last album: "Unspoken" (2003), 200,000

stay within the box," she says. "I know for a fact that this was the right choice because I can listen to this record over and over again and I get something new and different out of it. . . . Martin didn't add any bells or whistles. It was like Jaci raw, naked and just upfront."

"Beauty Has Grace" marks Velasquez's 10th anniversary in the music industry, and a lot has changed for her since she was a fresh-faced 15-year-old. Velasquez has enjoyed success in the mainstream Latin and contemporary Christian markets, garnering such accolades as *Billboard's* 2004 Latin pop album award for "Milagro" and multiple Gospel Music Assn. Dove Awards, including female vocalist of the year in 1999 and 2000.

Last year Velasquez launched her own label, A'postrophe Records, and has been a hands-on record exec, working to break Grand Prize and Michael Cook. While she looks for a new Latin deal, she is already working on a new Latin record in London with Terefe and Cuban singer/producer Alexis Puentes.

Word Records VP of marketing Ronn Tabb says the label plans to price and position the album at major Christian accounts and will provide a three-sided floor display featuring Velasquez and Amy Grant as part of a "Women of Their Word" retail promotion. The Family Christian Stores chain is offering an exclusive limited edition that features a bonus track and an autographed CD.

ROCK BY TODD MARTENS

A Spoon-ful Of Success

After Spoon's 2002 album "Kill the Moonlight" moved close to 84,000 copies in the United States, the Austin-based indie rockers fielded offers from majors and indies alike. But frontman Britt Daniel says the band concluded that leaving Chapel Hill, N.C.-based Merge Records would be a mistake.

May 10, Merge is planning one of the largest initial shipments in its 16-year history. A representative says the label is shipping 75,000 albums, with the first 65,000 equipped with a bonus EP of demos and rarities.

The album is already being streamed online and has been

says. "That manic interest people feel when a record comes out only subsides if the audience feels burned."

"Gimme Fiction" sees Spoon bringing back a louder, more melodic guitar sound. Merge will make a video for lead single "I Turn My Camera On," which rides a Clash-

"We're going in the right direction, so it didn't seem smart to jump ship."

—BRITT DANIEL OF SPOON, ON STAYING WITH MERGE

"[Staying] was the smartest thing to do," Daniel says. "Just a couple records ago we were selling 3,000 copies. Then Merge sold 40,000 with 'Girls Can Tell,' and 'Kill the Moonlight' doubled it. We're going in the right direction, so it didn't seem smart to jump ship."

For "Gimme Fiction," due

available on illegal download sites for months. Daniel would prefer the album to have remained under wraps, but he is optimistic that the illegal swapping simply points to the respect Spoon has earned with its fans.

"If you keep putting out good records, people will become more interested," he

meets-Motown groove over Daniel's biting falsetto.

"I knew singing falsetto would make that song stand out," he says. "That's the hardest thing we go through: We always worry how to make each song unique and special. That was an easy one. Just sing falsetto, and it's instantly different."



SPOON

FACT FILE

Label: Merge Records

Management: Juan Carrera, Ben Dickey, Constant Artists Management

Booking: Ground Control

Publishing: Precious Fluids/Bug Music (BMI)

Top-selling album: "Kill the Moonlight" (2002), 80,000

MESHHELL'S NEW 'DANCE'

Meshell Ndegeocello, the funky electric bassist who originally signed to **Maverick Records** in 1993, has gone jazz.

She has not only appeared as a beat-bumping guest on several jazz discs by the best of the young generation—including trumpeter **Roy Hargrove** and saxophonist **Joshua Redman** (including his **Elastic Band** album, "Momentum," out May 24 on **Nonesuch**)—but she is ready to release her first all-jazz outing, the invigorating, deep-grooved "Dance of the Infidels." It comes out June 21 on **Shanachie**.

Ndegeocello's electric all-star jazz collective, **Spirit Music Jamia**, features such guests as **Kenny Garrett**, **Jack DeJohnette**, **Oliver Lake**, **Don Byron** and **Soulive's Neal Evans**, as well as vocalists **Cassandra Wilson**, **Lalah Hathaway** and **Sabina** (of the

Brazilian Girls).

"I didn't want to be a leader," Ndegeocello says. "I just wanted to play bass and highlight the band. I was writing compositions with melodic figures and chord changes that lent themselves to this kind of music. It was a natural process for me. I wrote the cells, the improvisers played on them without rehearsals, and the tunes took no more than two takes."

Also appearing on the CD is saxophonist **Ron Blake**. His May 24 **Mack Avenue Records** CD, the equally vitalizing "Sonic Tonic," was produced by Ndegeocello.

"Ron kept telling me he wanted to record something that you could dance to," she says. "So I became his musical coach, [we] recorded in a studio known for hip-hop records, and [I] convinced him to use two drummers for

the session."

Blake says, "It was my idea to have Meshell produce. I told her when I met her eight years ago that I wanted to play jazz with her. I've always liked the sound of her records. There's a lot of bottom, and they sound current. So, I wanted her to help me record an album that sounds new. And she did just that, by allowing the music to develop organically."

SPUTNIK BLUE: Blue Note Records' fearless leader **Bruce Lundvall** has launched a satellite career, spinning discs and talking jazz on his weekly **Sirius Satellite Radio** show, "The Blue Note Hour."

Located on Sirius' Pure Jazz outlet (channel 72), Lundvall's show features artists from the label's current roster as well as updates on latest releases and new reissues. Tentatively scheduled for May are shows

spotlighting pianist **Jason Moran** and saxophonist **Joe Lovano**, featuring their music as well as their favorite tunes from Blue Note's catalog. On tap for the future is a tribute to **Bud Powell**. The show airs at 6 p.m. ET on Fridays, with an encore at 9 a.m. ET on Sundays.

CITIZEN ART: Smooth jazz saxophonist **Richard Elliot** and trumpeter **Rick Braun** have formed the **ARTizen Music Group** label, distributed by **Ryko**. It launches June 28 with Elliot's new album, "Metro Blue." The pair co-produced the album and co-wrote nine originals. To support the CD, Elliot, Braun, guitarist **Peter White** and guitarist/singer **Jonathan Butler** will launch the **Jazz Attack** tour May 13 at the **Sunset Station Hotel & Casino** in Henderson, Nev. ●●●



Eastmond Standard Time

Anita Baker's first Christmas album is just one of the projects veteran songwriter/producer **Barry Eastmond** is juggling.

Also on his production slate are forthcoming albums by **Yolanda Adams**, "American Idol" singer **LaToya London** and married duo **Kenny Lattimore & Chanté Moore**. Such a schedule flies in the face of the popular notion that old school can't cut it in today's market.

"I can come up with a beat," Eastmond says. "But there's so much more to it than that. You have to write the right song and craft a strong arrangement. Then there's producing the vocal, which is the best part of making a record."

Eastmond knows a little something about that. His career dates back to 1985 and **Freddie Jackson's** "You Are My Lady," a No. 1 R&B and No. 12 pop hit. Since then, Eastmond has collaborated with the likes of **Billy Ocean**, **Whitney Houston**,



Barry White, **Gladys Knight** and **Chaka Khan**.

A song he penned with fellow writer/producer **Gordon Chambers** led to Eastmond's assignment with contemporary gospel star **Adams**. Now he and Baker are prepping her **Blue Note** holiday album, which will be recorded in New York and Los Angeles. The duo co-wrote "I Apologize," which netted Baker a **Grammy Award** for best R&B female vocal in 1995. Eastmond was onboard for Lattimore's biggest hit, "For You," as well.

The Eastmond vibe also courses through "All Night, All Love" by R&B newcomer **Wade O. Brown**, due June 21 on his own **Groove United** label. The Detroit native and part-time Toronto resident lays down a lovemaking groove on his U.S. debut album, which features additional production by **Steve Estiverne** (**Joe Tyrese**) and **Daryl Simmons** (**Destiny's Child**, **Babyface**). First single from the **Bayside/33rd Street Records**-distributed disc is the sensual "Where Do We Go for Love."

MUSICAL NOTES: **New Birth** is back. The collective behind such '70s R&B hits as "Dream Merchant" and "I Can Understand It" has inked with **GoodinVision Entertainment/Orpheus** for marketing and distribution. New album "Lifetime" is due May 31. First single, now at radio, is "Working on You 2."

Gladys Knight's enduring legacy will be saluted at the 2005 **BET Awards**, hosted by **Will** and **Jada Pinkett Smith**. In addition, the event will honor **Denzel** and **Pauletta Washington** for their humanitarian achievements. The awards ceremony airs live June 28 from Hollywood's **Kodak Theatre**.

George Duke signs with **Dome Records** in the United Kingdom and Europe. **Dome** will release his latest, "Duke," May 23.

Syndicated radio personality **Tom Joyner** is set to conquer TV syndication. **Litton Entertainment** will distribute "The Tom Joyner Show," beginning this fall. The show, a mix of humor and musical performances, will air on **WABC-TV** in New York and on stations in Chicago, Atlanta, Washington, D.C., and four other markets.

Thanks to 50 Cent's "Candy Shop" and Mario's "Let Me Love You," **Scott Storch's** lucky number is 18. That's the number of consecutive weeks Storch has been No. 1 on **The Billboard Hot 100** as a producer. This feat ties him with the Inc.'s **Irv Gotti**, who set the record in 2002 when he produced **Jennifer Lopez's** "Ain't It Funny" (featuring **Ja Rule**), **Ja Rule's** "Always on Time" (with **Ashanti**) and **Ashanti's** "Foolish." ●●●



Collection Tells Gabler's Story

Actor **Billy Crystal** Compiles Works Written By His Legendary Songwriting Uncle

Louis Jordan & His Tympany 5's jump blues standard "Choo Choo Ch'Boogie." **Wayne Newton's** career-launching pop smash "Danke Schön." **Nat "King" Cole's** signature "L-O-V-E."

These songs all share a co-writer: the late, legendary **Milt Gabler**. They're also included in a remarkable new CD compilation, "Billy Crystal Presents the Milt Gabler Story."

Gabler, who was Crystal's uncle, founded **New York's** renowned **Commodore Music Shop** and **Commodore Records**, America's first indie jazz label.

At **Commodore** and later at **Decca**, he had a hand in some of the most important recordings dating back to the 1930s, among them **Billie Holiday's** notorious "Strange Fruit," the **Weavers' folk staple** "Goodnight Irene" and **Bill Haley & His Comets' pioneering rock'n'roll classic**

"(We're Gonna) Rock Around the Clock." All of these are on the disc, along with famous and varied versions of popular songs like **Ella Fitzgerald's** "How High the Moon," the **Mills Brothers' "The Glow-Worm"** and **Kitty Kallen's "Little Things Mean a Lot."**

"I felt a great need to get this music out," Crystal said at a **Jazz at Lincoln Center** reception. (Some of the proceeds

from sales of the **Gabler** compilation will be donated to the nonprofit organization.) "To this day you can't listen to radio without hearing something he was part of."

"From the folk music of the **Weavers** to the R&B of **Louis Jordan** to the rock'n'roll of **Bill Haley**, he was always on the cutting edge of change [in] music—and a giant who changed it."

Crystal tried to showcase "the best representation of the whole width" of Gabler's career on the 26-track "man behind the music" CD.

"Of all his songs, 'Strange Fruit,' I think, was the greatest—and the most important," Crystal said. When **Holiday's Columbia** label understandably balked, Gabler put out the graphic song about lynching on **Commodore**, backing it with the blues song "Fine and Mellow," which he co-wrote but credited to **Holiday**.

"He wrote lyrics," Crystal noted, attributing the "Choo Choo Ch'Boogie" catch line "Take me right back to the track, Jack" to his uncle. "He couldn't read a note of music, but he had a great set of ears."

Crystal recalled that when he opened for **Sammy Davis Jr.** early in his career, he learned that Gabler had produced Davis' first gold record, "Hey, There," from "The Pajama Game."

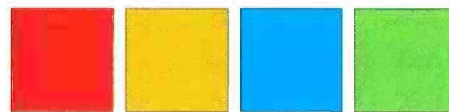
"Sammy said that Milt said he was a great dancer, but that he was really a great singer, and that that gave him the courage to sing."

Gabler's influence on his nephew was equally fundamental. "He gave me an understanding of what I might be in my life," said Crystal, who inducted his uncle into the **Rock and Roll Hall of Fame** in 1993. "He set me on the path to do what's in your heart." ●●●



MILT GABLER

REVIEWS



SPOTLIGHTS

Releases deemed by the review editors to deserve special attention on the basis of musical merit and/or *Billboard* chart potential.

ALBUMS

ALBUMS



DAVE MATTHEWS BAND
Stand Up
Producer: Mark Batson
RCA

Release Date: May 10
Dave Matthews Band's

past three albums have all debuted at No. 1 on The *Billboard* 200, even 2000's heavily streamlined, critically maligned "Everyday," which found everyone but Matthews and producer Glen Ballard on the sidelines of the songwriting process. In other words, even when DMB changes its well-traveled pop/rock sound, its diehard fans will still come along for the ride. "Stand Up" is like "Everyday" in reverse: The band has rarely sounded better, but the songs frequently get mired in working the same riff over and over again. Matthews has never been a profound lyricist, and here his musings on love, lust and working through the bad times seem cooked up on the spot. Just tune those out, enjoy the more tasty grooves (see "Louisiana Bayou") and count the weeks until "Stand Up" goes platinum. —JC



DIERKS BENTLEY
Modern Day Drifter
Producer: Brett Beavers
Capitol

Release Date: May 10
With his 2003 debut

and its radio hit "What Was I Thinkin'," Dierks Bentley established himself as a likeable rake with a sensitive side, and after a year of relentless touring, he's ready for a sophomore stomp. "Modern Day Drifter" shows a little more depth and polish without skimp-

ing on the personality. "Lot of Leavin' Left to Do" is a catchy, midtempo number with some nifty fretwork. Bentley's considerable female fan base will eat up torchers like "Come a Little Closer" and "Good Things Happen," while rednecks will dig the hard-charging "Cab of My Truck" and beer-loses-girl ode "Domestic, Light and Cold." Other highlights include the perceptive "Easy Street"; the wistful, panoramic title cut; and the soulful honky-tonk workout "Good Man Like Me" with the Del McCoury Band. Mighty fine, top to bottom. —RW



SPOON
Gimme Fiction
Producers: Mike McCarthy, Britt Daniel, Jim Eno
Merge

Release Date: May 10
Austin's Spoon has lin-

gered at the intersection of critical acclaim and commercial underachievement for years. Singer/guitarist Britt Daniel and drummer Jim Eno began by revisiting angular '80s guitar rock and addressing indie-kid heartbreak. But the hooks were always there, and backed by a revolving cast, Spoon gradually embraced them. "Gimme Fiction" is the culmination of this movement, a collection of mini-epics with heft, complexity and singalong choruses. The band's distinctive coiled energy remains, from piano-laced opener "The Beast and Dragon, Adored" to the giddy handclaps on "They Never Got You." As titles like "The Two Sides of Monsieur Valentine" suggest, Daniel hasn't lost his flair for metaphor, either. "Gimme Fiction" proves Spoon is ready to take the next step, and here's hoping a larger audience will follow. —JM

SINGLES



TONI BRAXTON
Please (3:50)
Producer: Scott Storch
Writers: S. Storch, M. Riddick, V. Herbert, K. Houff
Background/
Universal (CD promo)

Toni Braxton returns with her second effort for Universal Records—and man, it's like the coming of spring in Minnesota. So few of our treasured divas (read: fine singers) have survived the millennium, but Braxton confidently walks the thin line between showcasing contemporary R&B production while her talent remains front and center. "Please" is so packed with melodic and vocal hooks that it sticks like cinnamon to the brain. Braxton does her part just by reminding us of that potent alto voice. Here is more evidence that the tide is turning in popular music back toward the singer and how they add to the production, instead of the other way around. Bold and beautiful. —CT



NATASHA BEDINGFIELD
These Words (3:38)
Producers: Steve Kipner, Andrew Frampton, Wayne Wilkins
Writers: N. Bedingfield, S. Kipner, A. Frampton, W. Wilkins
Epic (CD promo)

Daniel Bedingfield had major U.S. hits in 2002 with "If You're Not the One" and "Gotta Get Through This." Sis Natasha, meanwhile, launched her own career last year in their native United Kingdom and nabbed the No. 1 spot in eight countries with "These Words," also her first single for Epic in the States. Unlike so many artists that try to cross the ocean, Bedingfield already has a built-in urban vibe with a loose hip-hop tri-beat that serves as a hook the first time through. And she excels where most Americans fall flat: She can sing, well. In one stroke, Bedingfield teaches Ashanti and Jennifer Lopez a finger-shaking lesson. And this lady has the sex and star appeal to back it all up. —CT

POP/ROCK

ROBERT EARL KEEN (1)
What I Really Mean
Producer: Rick Brotherton
Koch Records Nashville
Release Date: May 10

★ Whimsical storytelling is one of this cheerful Texas troubadour's gifts, which is in great evidence on "What I Really Mean." "The Great Hank" is an expertly told, funny and rueful dream of Williams alive, in drag, in Philadelphia. Robert Earl Keen's road-tested band, led by guitarist/producer Rick Brotherton, keeps him on sure footing whether he is running spiritual ("Long Chain"), dissipated ("A Border Tragedy," with the great Ray Price as guest) or metaphorical ("Mr. Wolf and Mama Bear"). Keen often places himself as both a character and observer, giving his tales a three-dimensional richness. He also delivers the most commercial country material of his career (Brooks & Dunn-ish on "The Wild Ones," Big & Rich-like on "Broken End of Love") without sacrificing the intelligence and integrity that have brought this much-loved cult figure to the cusp of something bigger and richer. —WR

LUCINDA WILLIAMS (2)
Live at the Fillmore
Producers: Lucinda Williams, Taras Prodaniuk
Lost Highway
Release Date: May 10

★ On this two-CD album, Lucinda Williams starts slowly and quietly, with plaintive ballads like the sober "Ventura." Then, near the end of the first disc, she lets it all hang loose with the gripping, pissed-off "Changed the Locks," that kicks open a raucous door. On disc two, Williams delivers with raw, rocking intensity equal measures of anger and anguish. The deep sadness of "Blue" is a highlight of the first CD; the rock-edged despair of "Joy" and "Those Three Days" stand out on the second. Taped in November 2003 in San Francisco, this set fully captures the raspy-voiced Williams in all her misery-to-joy glory. —DO

TEAM SLEEP
Team Sleep
Producers: various

Maverick

Release Date: May 10
Deftones frontman Chino Moreno and guitarist Todd Wilkinson started making tapes for each other in 1994, before the Deftones had even released their first album. Eleven years later, the Team Sleep collaboration is finally ready to be shared with the outside world. More electronic and ambient than the Deftones, this should still appeal to the band's fan base. Moreno acquits himself well, crooning through most of the album, and such guest vocalists as Pinback's Rob Crow and Helium's Mary Timony give the project some indie cred. While the album occasionally meanders, tracks like "Ataraxia," "Elizabeth," first single "Ever" and "Blvd. Knights" (the heaviest song) prove this is more than just a tossed-off side project. —BT

DANCE/ELECTRONIC

FANNYPACK
See You Next Tuesday
Producers: Matt Goias, Fancy
Tommy Boy

Release Date: May 10
A joke that began, "Three teenage girls walk into a recording studio . . ." Fannypack laughed all the way to No. 33 on Top Independent Albums with its 2003 debut, "So Stylistic." With older-brother types Matt Goias and Fancy behind the boards, the trio's back-to-basics mix of electro, disco and hip-hop found a ready audience among the multitudes yearning for the days before the Beastie Boys found religion. Now Fannypack is back for round two, invading dancefloors with killer single "Nu Nu (Yeah Yeah)" and the breezy, brash set "See You Next Tuesday." Suddenly, Fannypack is more than a novelty, as the trio rhymes with the best of them ("Keep On"), dips into dancehall ("Fire Fire," featuring Mr. Vegas) and even turns out a poignant every-woman ballad ("Not This"). What a punch line. —JM

JAZZ

JOE LOVANO (3)
Joyous Encounter
Producer: Joe Lovano
Blue Note

Release Date: May 10

▶ Saxophonist Joe Lovano begins his 17th Blue Note album where he and his quartet left off on last year's marvelous "I'm All for You: Ballad Songbook." Featuring the same personnel (pianist Hank Jones, bassist George Mraz, drummer Paul Motian), the set opens with a sumptuous take on the standard "Autumn in New York." The tempo quickens with Lovano's spirited original "Bird's Eye View," presaging a pace-shifting package that's as soulful and quietly dazzling as its predecessor. Jones, a living jazz legend at 86, plays with the creative vitality of a young ace (his flight on "Alone Together" is show-stopping), while Lovano's dark-roast tone on tenor is grounding and buoyant (witness how he runs with Oliver Nelson's "Six and Four"). The album closes with a joyful skip through John Coltrane's "Crescent," in homage to Jones' younger brother and Trane bandmate, Elvin, who died last year. —DO

GOSPEL

THE SOUL SEEKERS
The Soul Seekers
Producers: The Soul Seekers
Gospo Centric
Release Date: May 17

▶ As some of Los Angeles' most sought-after session players, songwriters, touring musicians and producers, the Soul Seekers have played significant roles behind a mind-boggling array of hip-hop and R&B royalty, including Beyoncé, Missy, Nelly and Whitney. But with five of the eight members being sons of pastors, their deep-rooted roots run to gospel, and their collective passions lead to classic gospel quartet music. With solid original songs, in a genre more likely to rattle the bones than soothe the soul, they soar exuberantly. "Make a Way" features Seekers' forebear Harvie Watkins Jr. of the Canton Spirituals. "What Would You Do" is a dramatic ballad, while "Somewhere Listening" is a Sunday stomper to wake the dead. Timeless and truly indigenous sacred American music. —GE



VITAL REISSUES

GANG OF FOUR (4)

Entertainment!

Producers: various
Rhino

Release Date: May 17

The roots of the angular rock sound embraced by the new breed of hot U.K. acts can be traced directly back to Gang of Four's seminal 1979 debut. Out of print for eight years, this new edition sports a host of rare tracks and comes just in time for the band's reunion tour with its four original members. Among the bonuses are a vastly different early version of "Guns Before Butter" and a previously unreleased live cover of the Velvet Underground's "Sweet Jane." Most exciting is the restoration of raw, herky-jerky and politically pointed classics like "Anthrax," "I Found That Essence Rare" and "Natural's Not in It," which, 26 years later, still sound fresh.—**BG**

WORLD

TRANS-GLOBAL UNDERGROUND

Impossible Broadcasting

Producer: *Trans-Global Underground*
Triloka

Release Date: May 3

★ In a musical encyclopedia, "Impossible Broadcasting" would be the ideal entry under the heading "world fusion." The membership of this U.K.-based collective is in constant flux, but that, if anything, keeps the vibe consistently compelling. Some of the enduring elements of TGU's sound—reggae, trip-hop, Arabic music, sampling—are here, while sitar prodigy Sheema Mukherjee and Malian rappers Tatapound add further breadth to the groove. A fine place to begin is "Drinking in Gomorrah," a

surrealistic travelogue underpinned by a terrific dance beat. Move on to Tatapound's rap on African corruption ("Cikan-le Message") and "Yellow and Black Taxi Cab," both tunes built on wicked beats.—**PVV**

DEBASHISH

BHATTACHARYA (5)

3: Calcutta Slide Guitar

Producer: *Debashish Bhattacharya*
Riverboat

Release Date: April 26

★ The marriage of Hawaiian-style slide guitar with North Indian classical music might seem at first a strange cultural commingling. But as master guitarist Debashish Bhattacharya shows here, it is a perfect blend that actually finds antecedents to the 1920s. Expertly accompanied by his brother Subhashis on tabla, Bhattacharya plays three slide guitars of his own invention with finesse, elegance and tenderness. The crying quality of his guitars is a perfect fit for the emotional outpouring of his compositions, including the intense "Prema Chakor (Lover's Eyes)" and the joyful, blazing "Maha Shakti."—**AT**

NEW & NOTEWORTHY

ELECTRELANE

Axes

Producer: none listed
Too Pure

Release Date: May 10

With its compelling mix of pop structures and esoteric instrumentals, Electrelane's third album is an arresting, almost scholarly, study in guitar/keyboard interplay. Recorded in December in Chicago, the guitars possess a wintry haze, draping the songs with claustrophobic intensity. Electrelane veers between a shoegazer mentality and an angular

punk drive sometimes reminiscent of Wire, and it allows for an orchestra of retro keyboard sounds to either work their way through the fog or ride a riff. There are touches of French pop and even opera, demonstrating that the U.K. foursome is well on its way to mastering both the lovely and the bizarre.—**TM**

BLOODSIMPLE

A Cruel World

Producers: *GGGarth, bloodsimple*
BullyGoat/Reprise

Release Date: March 29

Mudvayne vocalist Chad Gray introduces his BullyGoat label with bloodsimple, an act that makes its wrath quite clear on "A Cruel World." Tim Williams, Mike Kennedy, Nick Rowe, Kyle Sanders and Chris Hamilton demand to be recognized with the blistering cuts "Straight Hate" and "Path to Prevail." Then they wallop the ball out of the park with "What If I Lost It," an incredible anthem to the underdog where the band's writing skills and GGGarth's production perfectly dovetail. The group also displays a more subdued, modern-rock style on "The Leaving Song," "Flatlined" and "Plunder," which bring acoustic guitars to the fore. Being able to straddle both genres without sounding contrived is another skill in bloodsimple's favor.—**CLT**



ADDITIONAL REVIEWS:

- Mike Jones, "Who Is Mike Jones?" (Warner Bros.)
- Better Than Ezra, "Before the Robots" (Artemis)
- Original Cast Recording, "Monty Python's Spamalot" (Decca Broadway)

CRITICS' CHOICE ★: A new release, regardless of chart potential, highly recommended for musical merit.

All albums commercially available in the United States are eligible. Send album review copies to Jonathan Cohen and singles review copies to Chuck Taylor (both at Billboard, 770 Broadway, 6th floor, New York, N.Y. 10003) or to the writers in the appropriate bureaus.

SINGLES

POP

THE PUSSYCAT DOLLS FEATURING BUSTA RHYMES Don't Cha

(3:38)

Producer: *Cee-Lo Green*
Writers: *C. Green, B. Rhymes, T. Calloway, T. Smith*
A&M Records (CD promo)

With a name like the Pussycat Dolls, you can guess the name of the game: seven sexually charged ladies whose dance moves are as hot as their lyrical taunts. With Busta Rhymes along for the ride, the Dolls implore on "Don't Cha," "Don't you wish your girlfriend was a freak like me?" along with other suggestive inquiries you have to discover on your own. The Dolls are as manufactured as they come, created by a choreographer and producer, but they are as much a kick as Rick James' Mary Jane Girls or Prince's Vanity 6 in the 1980s. You'll see past the naughty tone and realize that the intent is not only tongue-in-cheek, but more melodic than the majority of what's on the airwaves. If this is the beginning of a revolution to diversify America's hip-hop nation, we're ready to sign up. Meow.—**CT**

COURTNEY JAYE Can't Behave

(3:09)

Producer: *Peter Collins*
Writers: *C. Jaye, G. Louris*
Island (CD promo)

★ Courtney Jaye is a singer/songwriter who is refreshingly tough to categorize. Is she pop, alt-rock, country? It matters not with debut single "Can't Behave," which works its way to endlessly loop inside your consciousness in less than one full listen. The effort personifies the summertime singalong, à la "All I Wanna Do" from Sheryl Crow. Toss in mandolin; a cowbell; clap-alongs; a loose, carefree vocal (alongside a deceptively maudlin lyric about a cheating man); and the most irresistible melody this side of insanity. Look for the full-length, "Traveling Light," produced by Peter Collins, June 7.—**CT**

R&B

MISSY ELLIOTT FEATURING CIARA & FAT MAN SCOOP Lose Control

(3:49)

Producer: *Missy Elliott*
Writers: *M. Elliott, C. Harris, G. Isaac III, J. Atkins, R. Davis, C. Hudson*
Gold Mind/Atlantic (digital download)

▶ Hot off her success as a guest star and co-writer on Ciara's "1, 2 Step," Missy Elliott returns with the new single "Lose Control." Casual listeners will think it sounds like an amplified, harder-edged "1, 2 Step," which should perk up the ears of hip-hoppers, pop fans and club heads, not to mention radio programmers. The cut is based on a wholesale hijacking of Cybotron's classic 1983 electro-funk single "Clear." At least Elliott has good taste in samples. Oddly, though the beat is hot, the party-jam lyrics are straightforward and mostly devoid of her usual humor. "Lose Control" should put her back in radio's good graces. Elliott's sixth studio set, "The Cook Book," is due June 28.—**KC**

COUNTRY

BRAD PAISLEY Alcohol

(3:58)

Producer: *Frank Rogers*
Writer: *B. Paisley*
Arista (CD promo)

▶ With the success of last summer's "Whiskey Lullaby" still lingering on his breath, Brad Paisley hasn't sobered up with his newest single, "Alcohol." The title immediately invites comparison, and while this song does speak about substance abuse, it does so with a much lighter and less depressing air. Branding the song with his trademark good-ole-boy humor, Paisley takes on the persona of an alcoholic beverage and runs down a list of events and behaviors it, or he, has caused—from "influencing kings and world leaders" all the way to "helping white people dance." Paisley's effective vocal reflects his ability to sing the funniest lines with the deepest conviction. This is all backed by his masterful guitar work, a bar crowd singalong and a beat to make you sway back and

forth until you fall off your barstool.—**CR**

ROCK

AUDIOSLAVE Your Time Has Come

(4:15)

Producer: *Rick Rubin*
Writer: *Audioslave*
Interscope/Epic (CD promo)

▶ Now this is more like it. Audioslave follows up "Be Yourself," the No. 1 single from its forthcoming album "Out of Exile," with a song that is everything its predecessor wasn't. Where "Be Yourself" was a midtempo snoozer, "Your Time Has Come" is upbeat, driving and shows off every bit of the promise that a union between Soundgarden and Rage Against the Machine hinted at. The three former Rage members pound out a riff that sounds like the ghost of Jimi Hendrix, while Chris Cornell's powerful vocals help carry the song. It is questionable why this song was released so quickly, since much of radio is still pounding "Be Yourself" and the album isn't released until May 24. But "Your Time Has Come" should also wind up at the pinnacle of the chart.—**BT**

AC

E.S. POSTHUMUS

Nara (2:42)

Producer: *E.S. Posthumus*

Writers: *H. Vonlichten, F. Vonlichten*
Wigshop/33rd Street Records (CD promo)

With legal digital downloads giving consumers an influential say in The Billboard Hot 100 and Pop 100, fans of quality music again have the world at their fingertips. "Nara," the instrumental theme to the CBS series "Cold Case"—available on iTunes—is affecting and evocative in its striking melodic imprint. Its delicate orchestral strings contrast with an urgent tribal beat, while a persistent, nagging urgency peaks with such impact—in fewer than three minutes—that it demands repeated listening in a way that few musical scores merit. E.S. Posthumus—the duo of Helmut and Franz Vonlichten—has a bright future.—**CT**

LEGEND & CREDITS

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

CONTRIBUTORS: Keith Caulfield, Jonathan Cohen, Gordon Ely, Brian Garrity, Todd Martens, Jackie McCarthy, Dan Ouellette, Wayne Robins, Caleb Ross, Chuck Taylor, Bram Teitelman, Anastasia Tsioulcas, Christa L. Titus, Philip Van Vleck, Ray Waddell.

PICK ▶: A new release predicted to hit the top half of the chart in the corresponding format.

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Billboard
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To all the attendees, sponsors, performers, presenters and panelists for making this year's conference the best yet!



Special congratulations to Telemundo on the success of their highest rated Premios Billboard De La Musica Latina with an 11.6 rating and a 17 share!



Source: Nielsen Media Research NHTI data from Galaxy Explorer on 4/28/05. Subject to qualification which will be supplied upon request.



For video interviews, photo galleries, list of winners, chart information and more visit www.LosPremiosBillboard.com in partnership with MSN Latino.

THE HOT BOX

A WEEKLY ROUNDUP OF NOTABLE CHART ACHIEVEMENTS



'CHARIOT' ON FIRE

>> Radio play for "Chariot," his appearance on Fox's "American Top 40 Live" and Bo Bice's "American Idol" cover of "I Don't Want to Be" help Gavin DeGraw win Pacesetter honors on The Billboard 200 (146-92, up 61%). Up 38%, DeGraw's "Don't Want" re-enters Hot Digital Songs at No. 43.

STILL GROWING

>> Gwen Stefani's "Hollaback Girl" bullets at No. 1 on The Billboard Hot 100. Although new entries move her album down four places on The Billboard 200, her uptick of 6,000 copies is the chart's largest unit increase, sealing the Greatest Gainer award. This marks her set's sixth gain in the last seven weeks.



IN A 'FAMILY' WAY

>> Guests like Jason Alexander and Patti LaPone join cast members in the TV spinoff "Family Guy: Live in Vegas," which enters Top Comedy Albums at No. 2 (see chart, page 64). The series has resurfaced on Fox.

CHART BEAT

READ FRED BRONSON EVERY WEEK AT BILLBOARD.COM/FRED

>> The "Family Guy" album also signals the return of Walter Murphy—he of "A Fifth of Beethoven" fame—to The Billboard 200, after an absence of more than 25 years. Since his last appearance on the big chart, film and TV scores have kept Murphy busy, and Fred's column has all the details.

>> Also in Chart Beat: "Devils & Dust" is Bruce Springsteen's seventh No. 1 album, but only his second in the last 10 years... Mariah Carey has her first solo top 10 on The Billboard Hot 100 in six years... Jo Dee Messina enjoys her best chart week ever, and Tony Christie's reign over the U.K. singles chart runs to seven weeks, putting him in the company of Cher, the Spice Girls and others.

Billboard

CHARTS



Over the Counter

GEOFF MAYFIELD gmayfield@billboard.com

Bruce Rides Acoustic Music To Top Of The Chart

This isn't the first time that the Boss has followed an acoustic path, but "Devils & Dust" marks the first time that route leads Bruce Springsteen to No. 1 on The Billboard 200.

Landing such a stark and personal album on the chart's highest rung is a testimony to the equity Springsteen has built—in the studio and on the road—during his 30-plus-year career.

When his raucous anthem "Born to Run" first grabbed airplay in 1975, did anyone ever imagine that the venerable morning show "Today" would one day emerge as a valuable marketing ally for this sturdy rocker?

Like his last studio album, the 2002 release "The Rising," "Devils" bows at No. 1 following exposure from the NBC News show.

The new album also benefits from a profile on that network's "Dateline" and an appearance on VH1's "Storytellers," along with two radio vehicles: an hourlong syndicated special that ran prior to release date and NPR's "Morning Edition" (airing April 25-26).

The exposure pushes this album further than Springsteen's prior acoustic outings. Despite Thanksgiving-week traffic, 1995 set "The Ghost of Tom

Joad" had first-week sales of less than half of "Devils," selling 107,000 when it bowed at No. 11. In 1982, "Nebraska," the quiet follow-up to his first No. 1 album, peaked at No. 3.

Springsteen's seventh No. 1 album marks the second straight week that a DualDisc-only album leads The Billboard 200, following Rob Thomas' "... Something to Be" (now No. 4, down 42%).

The Boss rules beyond the U.S.A., as "Devils" bows at No. 1 in nine other countries: Austria, Denmark, Germany, Ireland, Italy, the Netherlands, Sweden, Switzerland, and the United Kingdom.

WHO'S WHO: Bruce Springsteen is the only artist this week to surpass 200,000 copies, although Mariah Carey hovers near that mark with 197,000 (No. 2, down 13%).

In all, six albums beat 100,000 copies, including bows by two developing R&B artists. First-timer Bobby Valentino, formerly of Mista, lands at No. 3 with 180,000, and Amerie hits No. 5 with 124,000. Country charts champ Jo Dee Messina falls just shy of that camp with a start of 99,000 (No. 7), the biggest Nielsen Sound-

Scan week of her career.

In contrast, only three albums beat 100,000 during the same sales week of 2004. Yet this is the second straight frame in which the top 10 has more heft than it did a year ago (with units up this time by more than 14%) while overall album volume declines (see Market Watch, below).

The average scan of a top 10 album is down by 17.8% from this point last year, but even when we do run into a instance when the top 10 looks stronger than the corresponding 2004 frame, the rest of the chart seems weak. This is the third consecutive week and the fifth time this year that the No. 200 album sells less than 5,000 copies, an event that only happened once in 2004.

Those numbers make you long for the music industry's old friend, the ancillary purchase—that second or third album that consumers used to buy when they stocked up on new, sought-after releases.

Attempting to stir business next week is a new Nine Inch Nails set; first-day sales suggest it will be No. 1 with at least 265,000. A soundtrack from the new "Star Wars" film looks to start with 125,000—maybe more if people

waiting to buy tickets take a break from standing in line.

CALIENTE: Participants and winners at the Billboard Latin Music Awards, broadcast live from Miami by Telemundo April 28, stirs four spikes on Top Latin Albums.



SPRINGSTEEN

The chart's Greatest Gainer belongs to winner and performer Juanes, who jumps 6-3 with an 18% gain. Three other artists who appeared on the slow re-enters the list: Marc Anthony (No. 16, up 46%), Juan Luis Guerra (No. 48, up 37%) and Marco Antonio Solís (No. 67, up 12%).

Market Watch

A Weekly National Music Sales Report

For week ending May 1, 2005. Compiled from a national sample of retail store and rack sales reports collected and provided by Nielsen SoundScan

WEEKLY UNIT SALES

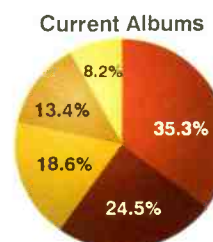
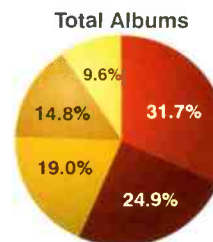
	ALBUMS	STORE SINGLES	DIGITAL TRACKS
This Week	10,579,000	96,000	5,849,000
Last Week	10,213,000	102,000	6,386,000
Change	3.6%	-5.9%	-8.4%
This Week Last Year	10,622,000	149,000	2,003,000
Change	-0.4%	-35.6%	192.0%

YEAR-TO-DATE

	2004	2005	CHANGE
OVERALL UNIT SALES			
Albums	204,714,000	185,515,000	-9.4%
Store Singles	2,730,000	1,454,000	-46.7%
Digital Tracks	33,170,000	101,362,000	205.6%
Total	240,614,000	288,331,000	19.8%

DISTRIBUTORS' MARKET SHARE: 04/04/05-05/01/05

UMVD Sony BMG Indies WEA EMI



WEEKLY ALBUM SALES



Album Sales



Digital Tracks Sales



SALES BY ALBUM FORMAT

	2004	2005	CHANGE
CD	199,858,000	184,011,000	-7.9%
Cassette	4,224,000	1,099,000	-74.0%
Other	632,000	405,000	-35.9%

MAY 14 2005 THE Billboard 200

THIS WEEK	LAST WEEK	WEEKS ON CHART	ARTIST	Title	CERT.	PEAK POSITION
1	1	1	BRUCE SPRINGSTEEN	Devils & Dust		1
2	2	1	MARIAH CAREY	The Emancipation Of Mimi		1
3	NEW	1	BOBBY VALENTINO	Disturbing Tha Peace Presents Bobby Valentino		3
4	1	2	ROB THOMAS	...Something To Be		4
5	NEW	1	AMERIE	Touch		5
6	5	3	50 CENT	The Massacre		4
7	NEW	1	JO DEE MESSINA	Delicious Surprise		7
8	3	2	MIKE JONES	Who Is Mike Jones?		3
9	4	2	IL DIVO	Il Divo		9
10	6	9	GREATEST GAINER GWEN STEFANI	Love. Angel. Music. Baby.		6
11	7	10	THE KILLERS	Hot Fuss		2
12	8	8	GREEN DAY	American Idiot		3
13	NEW	1	BEN FOLDS	Songs For Silverman		13
14	13	14	KELLY CLARKSON	Breakaway		2
15	16	12	CIARA	Goodies		2
16	9	6	VARIOUS ARTISTS	Now 18		1
17	12	11	JACK JOHNSON	In Between Dreams		1
18	18	19	AKON	Trouble		18
19	11	2	MUDVAYNE	Lost And Found		1
20	15	7	BECK	Guero		2
21	21	16	LARRY THE CABLE GUY	The Right To Bare Arms		1
22	23	15	FRANKIE J	The One		1
23	14	13	WILL SMITH	Lost And Found		1
24	10	2	SOUNDTRACK	Three 6 Mafia Presents Choices II: The Setup		10
25	17	5	FAITH EVANS	The First Lady		1
26	32	27	KEITH URBAN	Be Here		1
27	30	23	RASCAL FLATTS	Feels Like Today		1
28	29	24	3 DOORS DOWN	Seventeen Days		1
29	22	18	112	Pleasure & Pain		1
30	33	34	MICHAEL BUBLE	It's Time		7
31	NEW	1	BUDDY JEWELL	Times Like These		31
32	27	26	JOSS STONE	Mind Body & Soul		11
33	28	20	THE GAME	The Documentary		2
34	26	21	JOHN LEGEND	Get Lifted		1
35	25	22	LUDACRIS	The Red Light District		1
36	34	28	GRETCHEN WILSON	Here For The Party		4
37	20	2	ANNA NALICK	Wreck Of The Day		20
38	36	50	LIFEHOUSE	Lifehouse		10
39	37	31	USHER	Confessions		1
40	35	25	EMINEM	Encore		4
41	39	35	DADDY YANKEE	Barrio Fino		20
42	40	32	FANTASIA	Free Yourself		1
43	24	4	GARBAGE	Bleed Like Me		1
44	38	40	JESSE MCCARTNEY	Beautiful Soul		15
45	NEW	1	MINT CONDITION	Livin' The Luxury Brown		45
46	NEW	1	NEW ORDER	Waiting For The Sirens' Call		46
47	42	44	SUGARLAND	Twice The Speed Of Life		42
48	31	17	BEANIE SIGEL	The B. Coming		1
49	50	51	KENNY CHESNEY	When The Sun Goes Down		3
50	49	48	VARIOUS ARTISTS	Totally Country Vol. 4		5



The singer/songwriter lands his best sales week (50,000 units) and highest chart position—with or without the Five.

Rapper earns his best sales week and new chart high; set garnered extra exposure through Warner Music incubator program.

New single bullets 12-5 on Hot Country Songs. Repeat airing on CMT's "Crossroads" aids album's 12% gain.



R&B collective claims a new chart peak with its first independently distributed album. It also bows at No. 11 on Top R&B/Hip-Hop Albums.

THE BILLBOARD 200 ARTIST INDEX

2PAC	138	TORI AMOS	179	BECK	20
3 000RS DOWN	28	ASHANTI	187	BEE GEES	98
50 CENT	6	AVENTURA	133	BEYONCE	157
112	29	BIG & RICH	60	BLACK LABEL SOCIETY	183
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AMERIE	5	BEANIE SIGEL	48		

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BROOKS & DUNN	135	DADDY YANKEE	41		
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CIARA	30	HOWIE DAY	84		
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		GOOD CHARLOTTE	182		
		JOSH GRACIN	12		
		GREEN DAY	168		
		THE REVEREND AL GREEN	12		
		JARS OF CLAY	152		
		JAY-Z/LINKIN PARK	142		
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		THE MARS VOLTA	9		
		MADELEINE PEYROUX	12		
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		JOSH GROBAN	77		
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		TRICK DADDY	27		
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MIKE JONES	8	ALISON KRAUSS + UNION STATION	178	LIL SCRAPPY/TRIL-LVILLE	127
NORAH JONES	154			LINDSAY LOHAN	200
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MAY 14 2005 LATIN Billboard

HCT LATIN SONGS

Table with 12 columns: This Week, Last Week, 2 Weeks Ago, Weeks on Chart, Title, Artist, Imprint/Promotion, Label, Peak Position. Top entry: #1 LA CAMISA NEGRA by Juanes.



Shakira climbs to No. 97 on The Billboard Hot 100.



Tanon's first album for Sony BMG is No. 17 on Top Latin Albums and No. 28 on Heatseekers.

Reggaeton star appears three times on this chart and twice in the top 10 on Tropical Albums. "Los Homerun-es" is No. 1 on Latin Catalog Albums.

Table with 12 columns: This Week, Last Week, 2 Weeks Ago, Weeks on Chart, Title, Artist, Imprint/Promotion, Label, Peak Position. Top entry: #26 ERES DIVINA by Patrulla 81.

TOP LATIN ALBUMS

Table with 12 columns: This Week, Last Week, 2 Weeks Ago, Weeks on Chart, Title, Artist, Imprint/Number/Distributing Label (Price), Peak Position. Top entry: #1 DADDY YANKEE Barrio Fino.

Table with 12 columns: This Week, Last Week, 2 Weeks Ago, Weeks on Chart, Title, Artist, Imprint/Number/Distributing Label (Price), Peak Position. Top entry: #26 REYLI En La Luna.

Table with 12 columns: This Week, Last Week, 2 Weeks Ago, Weeks on Chart, Title, Artist, Imprint/Number/Distributing Label (Price), Peak Position. Top entry: #51 VARIOUS ARTISTS Reggaeton Super Hits.

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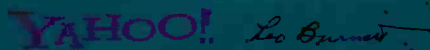
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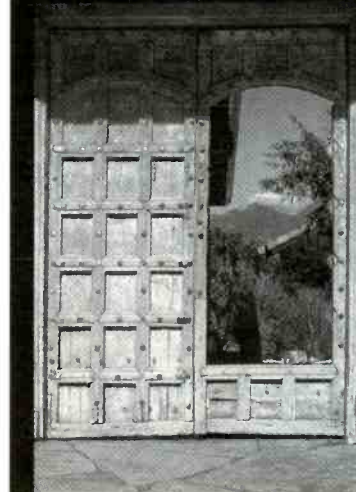
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Percy Heath Dies At 81

Percy Heath, whose gentle, swinging bass underpinned the Modern Jazz Quartet for more than 40 years, died April 28 of bone cancer in Southampton, N.Y. He was 81.

Heath was an original member of the group known around the world as the MJQ, along with pianist John Lewis, vibraharpist Milt Jackson and drummer Kenny Clarke. All were early disciples of the bebop developed by Dizzy Gillespie, Charlie Parker, Thelonious Monk and others in the 1940s.



PERCY HEATH

Lewis, the group's music director, forged the unit to explore a stately, less frantic version of bop, but kept the reharmonizations and new rhythmic patterns. The MJQ, without a horn player, played quieter as well, and created compositions that utilized pedal point and counterpoint borrowed from classical music as well as the shadings of blues.

The MJQ's sound fit the times, and during the late '50s and early '60s its recordings on Prestige and Atlantic were commercially successful. The group later recorded for Antilles, Columbia, Concord and Strata East.

Heath's two brothers also pursued jazz careers. When the MJQ went on the first of several hiatuses in the 1970s, he and his brothers Albert, a drummer, and Jimmy, a tenor saxophonist, formed the Heath Brothers, a more freewheeling group whose recordings and concerts are well-received.

Heath returned to the MJQ when it regrouped in 1980 and stayed in the bass chair until 1994, when the group's longtime second drummer Connie Kay passed away. Soon afterward, the surviving members decided to shut down the act for good. Jackson died in 1999, and Lewis in 2001.

Before his music career blossomed, Heath trained as a pilot in the last years of World War II. He became a member of the Tuskegee Airmen, the elite African-American unit.

—Bill Holland

BIRTHS

BOY: William James, to Lara Anne and James Cerreta, April 6 in Los Angeles. Father is director of A&R for Chrysalis Music Publishing.

BOY: Lucas Antonio, to Jacqueline and Lance Sanchez, April 24 in Rockland County, N.Y. Father is director of national accounts and field marketing for TVT Records.

DEATHS

Robert Farnon, 87, of an apparent heart attack, April 23 in Britain's Channel Islands. The film, pop and jazz composer/arranger scored more than 40 movies and worked with such luminaries as Frank Sinatra, Tony Bennett and Lena Horne. In addition to several Ivor Novello Awards from the British music industry, Farnon won a Grammy Award in 1995 for best instrumental arrangement for the song "Lament" on jazz trombonist J.J. Johnson's album "Tangence." He also nabbed Grammy nominations in 1976 and 1992. At age 11, Farnon played piano and drums in the Toronto Junior Symphony and after a stint arranging for jazz bassist Percy Heath, composed his first symphony at age 21. He then focused on films and arranging, and was quoted as saying one of his favorite film scoring projects was 1951's "Captain Horatio Hornblower R.N." with Gregory Peck and Virginia Mayo. He is survived by his wife, four children and two brothers.

Hasil Adkins, 68, of unknown causes, April 26 in Madison, W.Va. The cult rockabilly singer released a handful of records in the 1960s featuring his one-man band of guitar, drums and unabashedly raw Appalachian drawl. His rough-hewn discography began circulating among record collectors in the 1970s, and his best-known song, "She Said," was later recorded by the Cramps. After the release "Out to Hunch" on New York's Norton Records in 1986, Adkins toured extensively. He is survived by two siblings.

Salvador "Tutti" Camarata, 91, after a brief illness, April 13 in Burbank, Calif. Camarata worked with the likes of Bing Crosby, Billie Holiday and Annette Funicello during a long career as a composer/arranger and trumpeter. After years of big band work in the 1930s for the Jimmy Dorsey Band, he became the music conductor for several TV series, including "The Vic Damone Show." Camarata co-founded London Records, whose roster included the Rolling Stones, then co-founded Disneyland Records in the 1950s, where Funicello and Hayley Mills recorded. He is credited with helping develop the vocal style that made Funicello a '60s pop star. In 1960 he opened Los Angeles' Sunset Studios, which hosted such acts as Van Halen, the Rolling Stones and Miles Davis. Camarata is survived by his son, a granddaughter and a brother.



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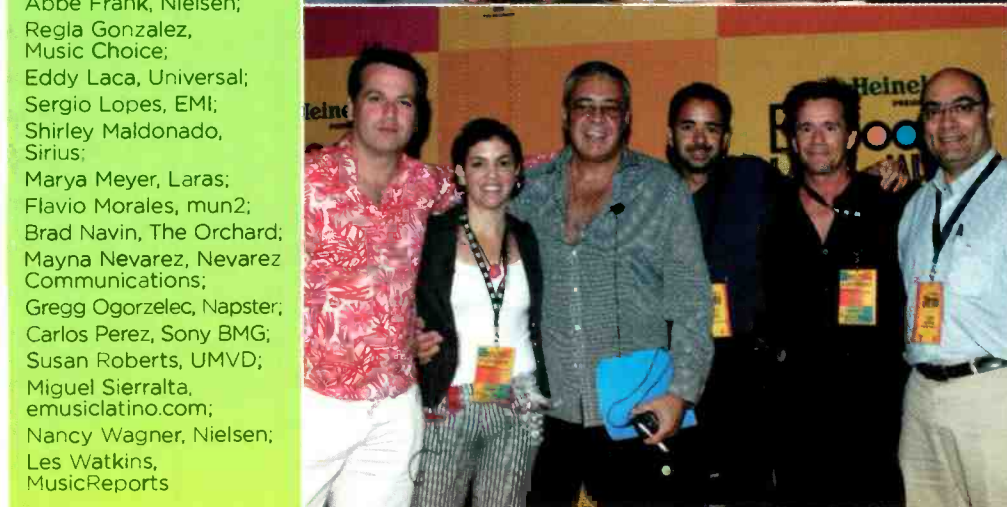
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Latin Acts Bring Miami Heat

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Les Watkins, MusicReports

▲ **Luny**, center, of production team **Luny Tunes**, is flanked by **Wisín**, left, and **Yandel** of reggaeton duo **Wisín & Yandel** at the "Production in Motion" panel, sponsored by the mun2 network.

◀ **TOP**
The CTV prelaunch party featured performances by **Didier**, **Sacha Nairobi**, **Funbunka** and **GQ**. Pictured at the party are CTV's **Gabriel Martínez**, flanked by hosts **Carolina** and **Jenny**.

MIDDLE
Title sponsor Heineken hosted the Heineken Happy Hour with Billboard Latino hosts, from left, **Deborah Magdalena**, **Angie del Rosal** and **Efrain Barrera**.

BOTTOM
Pictured at the "Goin' Mobile" panel are, from left, Consect's **Mark Frieser**, Billboard's **Leila Cobo**, EMI Music Publishing Latin America's **Nestor Casoni**, Sony/ATV Music Publishing Latin America's **Jorge Mejia**, Libertad/Universal Records' **John Robertson** and Wilean Entertainment's **Luis Samra**.



EMI recording artist **JD Natasha** performs at the welcome reception, sponsored by MTV Español.



Luny, left, and producer of the year **Rudy Pérez**.



Roselyn Sanchez, spokeswoman for Absolut Apeach, enjoys a moment at the Billboard Bash.



Acts participating at the Urban Box Office-sponsored "Urban Warfare" panel were presented with gifts from Hennessy. Pictured, from left, are Hennessy's **Alan Solis**, **Viccor Lopez** of Crooked Stilo, **Billboard's Leila Cobo**, **Caddy Yankee**, **Pitbull**, **Orishas' Yotuel**, **Ivy Queen**, **Johnny Lopez** of Crooked Stilo, **Hector "El Bambino"**, and **Sergio and Francisco Gomez** of Akwid.



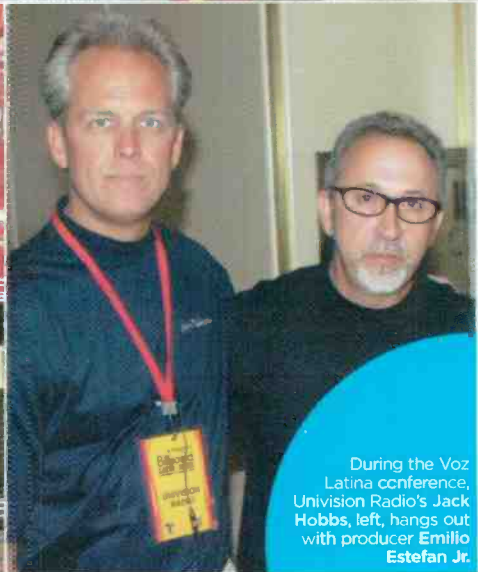
MSN Music representatives offer samples of download cards in front of the Miami Arena before the Billboard Latin Music Awards.



Pop star **Chayanne** stops for a photo with **Billboard** co-executive editor **Tamara Conniff**.



Bacardi, co-sponsor of the after-party at Bongos, hosted *mojito* bars at the conference.



During the *Voz Latina* conference, Univision Radio's **Jack Hobbs**, left, hangs out with producer **Emilio Estefan Jr.**



Panelists strike a pose before the ASCAP-sponsored "Let's Make a Deal" panel. From left: Universal Music Latino's **Walter Kolm** and **John Echevarria**, ASCAP's **Alexandra Lioutikoff**, Peermusic's **Ramon Arias**, Forte Group's **Jerry Blair** and attorney **Marc Stollman**.



Pictured during the RB Records' showcase are, from left, Universal Music Latino artist **Amaury Gutierrez**, RB president **Eric Reider**, Burstin and RE artist **David Torrents**.



Billboard's Leila Cobo interviewed film director and music producer **Fernando Trueba** at the conference.

INSIDE TRACK

EDITED BY MICHAEL PAOLETTA

For more INSIDE TRACK go to www.billboard.biz

STONES FOR THE ROAD

Details of an upcoming Rolling Stones tour and an album of new material for Virgin are expected to be announced May 10 in New York. Track hears that the Stones will perform a handful of songs at the Upper West Side press conference, a portion of which may be broadcast live.

The Stones recorded songs for the new album in Paris with producer Don Was (billboard.com, Dec. 9, 2004) and additional songs this spring in New York. The set, due this summer, is the group's first studio album in eight years.

Michael Cohl will again produce the Stones tour worldwide, and the band is expected to play theaters, arenas and stadiums. The last Stones tour (2002-2003) grossed just under \$300 million from 116 dates, according to Billboard Boxscore. —Ray Waddell



MARTIN GOES LUNY

In a further sign of reggaetón's growing reach, Lunny Tunes have produced a track for Ricky Martin's upcoming English-language album. The track reportedly features the Black Eyed Peas. The Dominican cousins comprising Lunny Tunes are widely considered the most influential producers in reggaetón, having worked with the likes of Don Omar, Tego Calderón and Wisin & Yandel.

Latin pop star Chayanne, speaking at the Billboard Latin Music Conference, did not discount the possibility of using reggaetón in an upcoming recording. —Leila Cobo

SKOR BIG WITH VALENTINO

New York-based Skor Management adds Disturbing Tha Peace/Def Jam's R&B upstart Bobby Valentino to a roster that includes songwriter/producer Rich Harrison (Amerie, Beyoncé, Jennifer Lopez), Zap Mama and rapper Pharoahe Monch. Having just inked a deal with EMI Publishing, Monch—formerly with Rawkus—is rumored to be headed to Shady. —Gail Mitchell

WORD PICKS UP FERVENT

Track hears that Word Entertainment has purchased the Fervent and Spirit-Led record labels from founder and president Susan Riley. She will continue to head those ventures, and the staff will remain intact.

Though there has been no announcement from the Word/Warner Bros. camp, Track understands that starting June 1, Fervent and Spirit-Led releases will be handled by Word Distribution in the Christian retail market and WEA in the general market. Provident Music Distribution previously handled both labels. —Deborah Evans Price

ELTON RUNNING WITH SISTERS

Sources tell Track that Scissor Sisters recently got together with Elton John for a songwriting session. Whether John or his efforts with the band make the cut on the Universal act's second album remains to be seen. In the meantime, hardcore

Scissor fans are enjoying band member Ana Matronic's guest spot on the new New Order album. —Keith Caulfield

ROCKIN' THE MOUSE

Van Halen and Disneyland are rumored to be hooking up. To coincide with the Anaheim, Calif., park's 50th anniversary, its Space Mountain ride will reopen in July after years of refurbishment. It will be called Space Mountain by day and Rock It Mountain by night, and sources say the "twilight ride" will have a soundtrack provided by Van Halen. —Keith Caulfield

POD PLAY AT BMI

BMI will announce Sept. 9 that it is jumping on the podcasting bandwagon. The performing-rights licensing agency is developing a podcast that will feature the unsigned acts it represents—a virtual showcase, if you will. The podcast will be available on the BMI Web site and pushed out to music labels through its newsletter and e-mail blasts. —Antony Bruno

THE LATEST MERGER

Track tried last week to contact Maarten Steinkamp, Sony BMG Music Entertainment president for Continental Europe, for his comments on the company's performance during the first quarter, but he was missing in action. However, the Dutch-born exec had the best excuse of all—he was getting married. Track offers its best wishes to Steinkamp and his wife, Laura. —Emmanuel Legrand

Executive TURNTABLE

EDITED BY SARAH HAN

RECORD COMPANIES: Warner Strategic Marketing in Los Angeles promotes **Mithra Emami** to VP of custom product. She was director of sales and strategic marketing.

Universal Motown Records Group in Santa Monica, Calif., names **Dave Downey** national director of rock promotion. He was director of rock at All Access.

Buena Vista Music Group in Burbank, Calif., elevates **Cary Prince** to VP and **Susan Kim** to director of BVMG international. Prince was executive director, and Kim was manager.

Concord Music Group in Beverly Hills, Calif., appoints **John Baldi** VP of music publishing and licensing. He was creative director of A&R at Mosaic Music Publishing.

RCA Music Group in New York names **Samantha Lecca** VP of video production. She was VP of video production at Arista Records.

MUSIC VIDEO: MTV in New York promotes **Rachel Baumgarten** to VP of integrated marketing. It also names **Catherine Balsam-Schwaber** senior director of integrated marketing. Baumgarten was senior director of her department, and Balsam-Schwaber was VP of integrated marketing and programming at Rock the Vote.



HOME VIDEO: Buena Vista Home Entertainment in Burbank, Calif., promotes **Scott Guthrie** to senior VP of sales and distribution. He was VP of sales and channel development.

Eagle Rock Entertainment in New York names **Cathy Halgas Nevins** VP of communications and publicity. She was director of public relations at bluefly.com.

Paramount Home Entertainment in Hollywood names **Michele C. Bell** VP, creative director. She was VP of creative services home entertainment at Universal Studios.

Sony Pictures Home Entertainment in Culver City, Calif., names **Lisa M. Jean** director of marketing. She was brand manager at Universal Studios Home Entertainment.

RELATED FIELDS: Media City Sound in Studio City, Calif., names **Lisa Blackwood Hope** VP of operations. She was associate producer at 20th Century Television's "That's Life."

Opus 1 Music Library in Studio City names **David Avalos** director of business development. He was consulting partner at Media-Savvy Productions.

Send submissions to shan@billboard.com.

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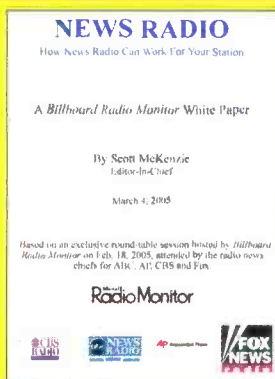
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