Piracy Suits: Shock and Awe

Courts: A Powerful Boost

BY BILL HOLLAND

WASHINGTON, D.C.–The nation’s top copyright cop has strongly endorsed the record industry’s right to file subpoenas and sue those who illegally download songs over the Internet.

During testimony Sept. 8 before the Senate Judiciary Committee, U.S. Register of Copyrights Marybeth Peters provided the clearest federal statement yet in support of industry efforts to

(Continued on page 78)

RIAA: Amnesty Nets Calls

BY BILL HOLLAND

WASHINGTON, D.C.–The music industry’s amnesty program for illegal down loaders is generating plenty of interest—and yet another lawsuit.

A California man has filed a class-action suit against the Recording Industry Assn. of America (RIAA). The suit seeks an injunction, claiming the offer is misleading because it doesn’t shield users from legal action by other parties.

(Continued on page 78)

Congress: Support Grows

BY BILL HOLLAND

WASHINGTON, D.C.—What could have been a public relations disaster did little to hamper the music industry on Capitol Hill this week as it pressed its case for more action against Internet piracy.

The Recording Industry Assn. of America (RIAA) was caught in a poten-

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The new album from R. Kelly celebrates the first 10 years of R. Kelly's extraordinary career with a compilation of 18 of his greatest hits including his newest single "Thoia Thoing"

- Step In The Name of Love - Remix
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SEPTEMBER 20, 2003  •  VOLUME 115, No. 38

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QUOTE OF THE WEEK
"It was time to just say 'forgive and forget' and move on."

Randall J. Simon

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Aretha Franklin So Damn Happy
Album in stores September 16th

New Booking Information: Crown Booking
P.O. Box 2137, Birmingham, MI, 48012 / Office: 248.745.1823, 248.745.1824 or 248.943.6445 / Facsimile: 248.858.9453
All Those Vocals
More Singers In Labels’ Jazz Mix

BY DAN OUELLETTE

NEW YORK—Jazz is most often associated with instrumentals, but today’s charts tell a different story: Jazz vocalists are selling the most CDs.

Norah Jones’ Blue Note debut “Come Away With Me” has topped the Billboard Contemporary Jazz chart for more than one year. And Diana Krall’s Verve recordings occupy lofty positions for months on end.

Meanwhile, such newcomers as Peter Cincotti (Concord Jazz) and Liz Wright (Verve) are rubbing chart elbows with such veterans as Diane Schuur (Concord Jazz) and Tony Bennett With k.d. lang (RPM/Columbia).

“IT’s the human voice, the lyrics,” says Bruce Lundvall, president/CEO of Blue Note Records. “With vocalists, listeners have an
easier time making the transition from pop music to jazz,” says
Lundvall, who has presided over Blue Note’s big success with Jones.
Her CD is approaching worldwide sales of 15 million, according to
the label.

“Becoming a serious jazz fan—
to get into music by Charlie Parker or Joe Lovano—requires ear train-
ing. You can’t just jump into instrumen-
tal jazz from rock.”

From a marketing perspective, it makes perfect sense for labels to
get more voices into the jazz mix, whether it’s delivering a full disc of
songs or sprinkling vocal tracks into the instrumental proceedings.

Under Lundvall, Blue Note has
signed several vocalists who have risen to the top of the class, includ-
ing Cassandra Wilson, Patricia Barber and Kurt Elling.

Lundvall also fostered the careers
(Continued on page 80)

UMG Share Grows
In 2002 IFPI Report

BY GORDON MASSON

LONDON—Universal Music Group saw its global market
share grow to 25.6% in 2002, according to figures released by
the International Federation of the Phonographic Industry.

In its Recording Industry in Numbers yearbook, published
Sept. 9, the IFPI states that Universal’s dominance was up from
23.5% in 2001, while BMG added an impressive 3% to its global
market share to take 11.1% fol-
lowing its acquisition of Zomba.

The report also claims EMI
lost ground, falling to 12% from
13.1% in 2001, while Sony also
lost half a point to see its mar-
ket share at 14.1%. Warner
remained steady at 11.9%, while
the indies lost 3.6% to collec-
tively hold a 28% slice of the
global $31 billion recorded
music market.

Based on the 2002 figures, any merger equation, be it BMG
and Warner or EMI and Warner
would still only equal the No. 2
record company in the world
behind Universal.

For the first time, the IFPI
report examines genre trends,
putting seven countries (Aus-
tria, Belgium, Germany, Ire-
land, the Netherlands, the U.K.
and the U.S.) under the micro-
scope to highlight “the revival of
rock music, largely at the
oxpense of dance.”

The U.S. remains the biggest
recorded music market in the
(Continued on page 77)

UMG Wins Retail
Converts

BY ED CHRISTMAN

NEW YORK—While retailers are
unanimously applauding the Universal
Music Group price cut, they con-
tinue to debate the details of the plan.

Meanwhile, a Sept. 19 deadline looms
for retailers to qualify for the lower
prices.

So far, only Newbury Comics CEO
Mike Deese has publicly declared to
Billboard that he has signed on for
the plan.

But UMG insiders report that
hundreds of retailers have already
signed up. And behind the scenes,
some of the biggest U.S. retailers say
they will probably agree to the terms,
if they can get Universal Music & Video
Distribution to become more flexible
on some of the details.

At the same time, a few big accounts say they have concerns about the plan.
Specifically, the want UMDV to address the profit-margin issue for retail.

“Structurally and spiritually, with
modifications, UMDV’s move is the
right thing to do,” says John Mar-
maduke, chairman of Hastings
Entertainment. “This is very much
like when the studios changed the
video rental business model and
took to revenue sharing.” But that
change needed fine-tuning by retail
in order to make it work for every-
one, he says, and he expects the same
thing to occur now.

Indeed, that’s exactly why Deese
agreed to the plan. From his perspec-
tive, “it started out good; it’s getting
to be better, and hopefully in six months it will be perfect.”

Gerry Lopez, president of Handle-
man Entertainment Resources—the
big recordjobber based in Troy, Mich.
—has similar hopes, although he
denies to say whether the company
will sign on.

“Although highly supportive of
lower prices and more value for the
consumer, the mechanics and execu-
tion of their plan are still under dis-
cussion,” he says. “I remain hopeful
that we can make this work for the
consumer, the distributor and the retail community.”

While there is much discussion
on the UMG pricing makeovers, profit margin is the main focus for
merchandisers.

Universal lowered its frontline list
price to $9.98 and cut boutel costs to
$9.69, although they say that perhaps
10 to 12 albums a year will come out
carrying a boutel cost of $10.10. At the
same time, UMG eliminated coopera-
tive advertising funds, buy-in dis-
counts and early payment discounts.

(Continued on page 79)
Bowie Simulcasts ‘Reality’
Singer Bows New CD With Live Gig Beamed To Theaters

BY PAUL SEXTON

LONDON—“This is my band. I’m in front of it. That makes me David Bowie.”

Thus, one of music’s most technologically imaginative artists launched a new adventure that placed him onstage and on the silver screen at the same time.

Bowie’s concert Sept. 8 at Riverside Studios in Hammersmith, West London, was an intimate yet grand-scale introduction to his new album. Bowie performed the forthcoming “Reality” album in full at the show. It will be released internationally by ISO/Columbia Sept. 15 (Sept. 16 in North America).

The gig itself—for some 300 members of his Bowienet fan community plus about 150 media reps, celebrity fans and record company personnel—exuded the exclusivity of a private party. But it was beamed live by satellite in widescreen and 5.1 DTS digital surround sound (mixed by the album’s producer Tony Visconti) to cinema audiences in the U.K., Denmark, France, Germany, Italy, Norway, Poland, Sweden and Switzerland.

It was not the first time a band had used a digital simulcast to theaters to bring an intimate show to a large number of fans. In June 2002, Korn broadcast a live New York concert to theaters in dozens of U.S. cities. But the Bowie event reached more countries and included a Q&A segment.

Demand for theater tickets in Paris prompted an expansion from two screens to 14.

With the attendant time delay, this inaugural interactive cinema event aired in Australia and Asia the following day, broadcasting in the U.S., Canada and Brazil Sept. 15.

The final total of participating theaters will be 86, in 22 countries, for a total audience of 50,000, according to Julie Borchard, senior VP of international marketing at Sony Music U.S.

“The uptake in this program was phenomenal from a Sony perspective,” she says. “We were able to plug in various entities: media, retail and of course the fans played an enormous role. In one evening, it has raised awareness of the new album to a fever pitch.”

A label source estimates technological costs to be about $350,000, which were covered by Sony with a “small but significant” sponsorship contribution in the U.K. by communications company O2, which had on-screen advertising at participating Odeon cinemas in Britain.

The full performance of “Reality” by Bowie and his band was followed by a Q&A session overseen by U.K. TV personality Jonathan Ross.

Bowie took live questions from fans taking part from their cinema seats in Berlin, Copenhagen, Paris, London and elsewhere.

This interlude largely added to the event’s flavor and was followed by a second live set in which Bowie played such hits as “Hallo Spaceboy” and “Modern Love,” as well as material from his vast catalog, including “Hang On To Yourself” from 1972’s “The Rise and Fall of Ziggy Stardust,” “A New Career in a New Town” (“Low,” 1977), “Fantastic Voyage” (“Lodger,” 1979) and “Cactus” and “Afraid” from last year’s “Heathen.”

“The publicity generated has been incredible right across the board,” says music media consultant Alan Edwards of the London-based Outside Organization. “The whole undertaking was of course dependent on having an artist of caliber and vision to pull it off. People may well look back on this as a watershed in the presentation of live music.”

Marc John, head of digital cinema for Odeon and managing director of Quantum Digital, which was responsible for digital delivery of the show, says: “This technology is affordable, and now that Bowie has done it, that should burst open the doors. I guarantee digital cinema will transform the multiplex.”

Borchard says that Sony will ship 400,000 copies of “Reality” internationally. She estimates worldwide sales of “Heathen” at 1 million, a figure Sony hopes to reach exclusive of U.S. sales this time with the further benefit of Bowie’s world tour, which opens Oct. 7 in Copenhagen and will stretch well into 2004 (Billboard, June 21).

Borchard adds, “The impact of this event will be long-lasting.”

Friends Again
Simon & Garfunkel Reunite For Tour

BY RAY WADDELL

As Paul Simon and Art Garfunkel prep their first full-blown tour together in more than 20 years, it appears the reunion could have significant clout at the box office, though it is somewhat of an unknown entity until dates actually go up.

The Old Friends 2003 Concert Tour begins Oct. 18 at the Palace of Auburn Hills (Mich.) and will play arenas in 32 cities through Christmas.

First tipped here (Billboard, June 17), some details of the tour were announced at a Sept. 9 press conference at New York’s Bottom Line.

The tour will work with local/regional promoters in each market; among those promoting dates are Clear Channel Entertainment (CCE), House of Blues Concerts, Jam, Fantasia, Another Planet, Music Concerts, Bill Silva and I.M.P.

Early press coverage has been positive, and most in the industry feel the outing is special enough to capture the public’s interest.

“Simon & Garfunkel are one of the cornerstone artists in all of contemporary music, and we’re very happy that they’re touring again,” says Rob Light, head of music for Creative Artists Agency, booking agency for Simon. “I’m excited as an agent and as a fan. I can’t wait to see it.”

Likewise, CCE Midwest VP Rick Franks, promoter of the first date, thinks the tour will be “huge, huge.

(Continued on page 79)
Now everyone knows there's more to

stacie Sorrico

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Approaching 1 million worldwide sales

Already Platinum in Japan

Biggest debut U.S. single to hit Europe this year

and now...

(there's gotta be) More To Life, the follow up to the Top 10 single "Stuck" exploding at radio

"Stuck" and "(there's gotta be) More To Life" combined 18 weeks, and counting, on MTV's TRL Top 10

...and this is only the beginning.
Zevon Succumbs To Cancer

BY CHRIS MORRIS

LOS ANGELES—When Warren Zevon was diagnosed with inoperable lung cancer last year, he told Billboard, with typically morbid humor, that he hoped to live long enough to see the next James Bond movie.

The release of that film—titled, ironically enough, Die Another Day—came and went, and Zevon lived long enough to record another album and see it debut at No. 16 on The Billboard 200.

Singer/songwriter Zevon died peacefully Sept. 7 at his Los Angeles home. He was 56.

After going public with his illness (Declarations of Independents, Bill-
Las Lunas del Auditorio Nacional, where the best of live entertainment is awarded.

The foremost venue in Latinamerica would like to congratulate the stars who were awarded and would like to thank all the people who made this magic night possible, and the outstanding performance of:

Armando Manzanero
Alexandre Pires
Ana Torroja
Bacilos
El Tri
Lila Downs
Marcel Marceau
Rubén Blades
Suzanne Vega
At Last, A Market Solution

S
ome may argue that the handwrit-
ing has been on the wall for the past three years, but Universal Music Group’s decision to slash wholesale prices for its music still took guts. In the business world these days, that’s something that too often is in short supply. For far too long, far too much emphasis has been put on boosting short-term profits and share price at almost any cost. Most chief executives live and die by their quarterly income statements, often at the expense of long-term goals and sensible economics. That’s what makes Universal’s action remarkable. The move was contrary to conventional corporate vision. Universal is risking a substantial short-term hit to the bottom line in a gamble to improve the long-term prospects for music sales.

As Doug Morris, Universal Music’s chairman, noted in numerous interviews: “We are making a very bold, strategic move to bring people back to music stores.

BraVo.
The company’s decision to end cooperative advertising payments was equally remarkable. Whatever co-op payments started out as, they have long since morphed into something skin to payola. The implied threat, of course, is that without such payments, record labels won’t get adequate shelf space for their products. But co-op payments and the myriad discount schemes that accompany them do nothing but distort the true value of music and create a false economy that ultimately thwarts innovation.

That is not to say that this is an endorsement of the details of Universal’s plan. Much still needs to be discussed and explained. That’s to be expected. Universal faces a big job on that score, and even it has reserved the right to ultimately modify or abandon its plan. That’s certainly its prerogative. But it shouldn’t take away from the broader importance of its decision to cut prices.

It comes at a time when the industry is suffering through a sharp, three-year downturn in sales. Although the supply economics is the chief reason, physical and Internet piracy are definitely exacerbating that.

It’s been our position all along that the industry needs a market solution to solve its problems. The first part of that is to provide a legitimate way to download music. That’s happening. The second part is to come up with a fair market price for music. Universal’s move may not be the final word, but it is making that happen as well.

Indeed, consumers should find some real bargains at Christmas. But Congress also needs to take note. The canard that high music prices somehow merely justify illegal downloading should be put to rest once and for all.

It’s time for Congress and the Bush administration to become real partners in the effort to defeat piracy and stand up for performers, songwriters and countless others in this business. Because, in the end, it’s really all about the music. Where would we be without that?

www.billboard.com
JULIAN J. ABERBACH

Hall of Fame member, Music Industry USA
Hall of Fame member, Country Music Industry, Nashville, Tennessee

Had the honor to be named

CHEVALIER DE LA LEGION D’HONNEUR

by the President of France for his contribution to French culture

LE CONSUL GENERAL

New York, 11 August 2003

Sir,

It has been my pleasure to be informed of your nomination, by the President of the Republic, to the rank of Knight in the National Order of the Legion d’Honneur.

Such a mark of esteem from the French Government comes as a pertinent recognition of your action in favor of the dissemination of the French culture.

With this opportunity I express my most wholehearted congratulations. Accept, Sir, the assurances of my very high consideration.

Richard DOQUE
The MIRACLE Project Helps Industry Aspirants Achieve The American Dream

Cheering For The Little Guy

It would be a great world if nice guys came in first, if what was “right” always prevailed and if everyone could compete in their area of expertise on a level playing field. This is not happening in the music industry.

There’s a lot of negative media written about the state of the music industry today, with such issues taking the spotlight as under-the-table “payola,” illegal downloading of music and famous stars rising too quickly and landing in rehab or bankruptcy.

Unfortunately, these scenarios are real. When you observe the ways that the music industry and the top five record labels have manipulated and controlled artists and radio airplay during the past several decades, these major problems become apparent.

As a music consumer, I’ve changed my listening habits. Many music lovers today choose to hear streaming online music or download CDs for entertainment because radio stations seem repetitious and uninteresting. I often hear the same artists and the same songs over and over. This is just not adequate for the savvy music lover of the new, Internet-driven millennium.

I’m an outsider to the music industry. However, I’ve been working with a local nonprofit music organization for several months, and the experience has given me quite an education. I’ve seen ideas that are emerging from this industry that are phenomenal.

I want to achieve the American Dream. They’re calling it the MIRACLE Project.

Little League kids who are batting balls around in their backyards actually envision themselves making it into the big leagues one day, practicing until they are great and they become legendary as Hank Aaron or Babe Ruth.

Based on a sports template of the major and minor leagues of baseball, the MIRACLE Project is a “music minor league” designed to mentor local and regional talent through the ranks and onto video and audio Webcasting, online music sales and eventual radio airplay in local markets.

As I work with this nonprofit group, the Georgia Music Industry Assn. (GMIA) in this busy colossus from the corporate sector tell stories about talented friends whom they know ought to get a chance to succeed in music, but it’s “just too hard to break into the field.”

I am finding that almost everyone knows someone who “ought to get a chance.” I’m finding that GMIA’s phenomenal—yes, unparalleled—vision is just what the doctor ordered here in Atlanta.

The Southeast is a huge bulwark of musical talent, yet the numbers of artists who break into national recognition are few. I am beginning to believe in revolutionary change. The key to this coup is integrity.

With open books, professional education programs, highest-quality Webcasting, shared CD sales revenue from worldwide downloading capabilities, truly fair voting and charting methods and a personal mission to offer equal opportunity to local songwriters and musicians, GMIA has created a win-win situation for everyone involved.

Radio stations are about to receive [private] marketplace new talent, local listeners will finally hear more songs from regional artists, the airwaves will offer greater variety, qualified GMIA artists may become part of Apple iTunes and more music professionals will be living and spending money in Atlanta.

Results include an improved local economy that attracts tourists and other artists to Atlanta.

Sounds too simple, and yet it is. MIRACLE stands for Music Is Really A Community Liaison Experience. Every week I see business communities throughout the state discovering the significance of this cause.

This nonprofit organization has great foresight. It’s an arts and cultural group of excited experts working toward the American Dream even in the face of the naysayers who will always stand in the skeptic’s line. I’d like to see a MIRACLE today.

The amazing staying power and success of records like “O Brother, Where Art Thou?” and Norah Jones show what records can do when they appeal to this age group and everyone else as well.

This youth-culture thing is degrading to our industry. Pretty young people with little or no talent appear on labels every week, then disappear after one CD.

If the actual talent and songwriting and performance skills for these artists were really their own and not a production fabrication, there would be a lot more lifelong artists and big record sales, as there were in “the old days.”

Those of us who grew up when every song was a single know how low the bar has fallen and refuse to spend on records where only one song out of a possible 15 is decent. Why are we surprised that no one buys and not everyone wants to pay to download one song? Aren’t we giving the consumer anything lasting for their money? It is called the music industry, right? What about the music?

Where are the good musicians and the great songs? Are we supporting the art form or just trying to make a fast buck at the consumer’s expense? Is it right to reward only beauty and not talent? The greatest artists of our time, let’s face it, are often “not pretty” but in possession of a gift that far surpasses looks.

I could go on and on about how some people constantly apologize for it. I serve on many committees and work with many niche artists. I am glad you print these letters or even read them. I pray for a change in our industry—one where we deliver the gift of music instead of youth-culture media hype that lowers our industry standard nationwide.

By B.H. Woods

Taking Issue

I am motivated to write after reading another letter you printed from a gentleman who was disappointed by Billboard’s constant coverage of “youth culture artists.” I really agree with him and wanted to add my own viewpoint.

I have been in the music biz for 27 years, as an agent, manager, producer and writer. I have worked with Grammy Award-winning new-wave acts, blues acts and rock acts. I have my own songs on Grammy-winning albums.

I think the entire industry is overlooking the “baby boomers” and now “gen-Xers” that have the real money in their pockets to buy CDs. Not everyone is giving it to their kids. Some of us give it to ourselves first.

By sheer math, it should be obvious to the labels and retailers that if something comes out that is really good, we will buy it and outnumber any other age group of buyers.

Interest in country music, bluegrass and roots music continues to grow, and artists who have tried to work with this nonprofit and the Georgia Music Industry Assn. have been successful in the Georgia country music awards and by attracting tourists to the annual Georgia Music Hall of Fame exhibit, which takes place in Macon, Ga., each fall.

I am a music lover, and I’m cheering for the little guy and remembering the many American successes in the past that were unexpected. Whoever thought a young black man born in a poor part of Mobile, Ala., called Down the Bay would grow up to surpass Babe Ruth’s home-run record, or that a school dropout from Macon, Ga., would go on to write and record hits like “(Sittin’ On) The Dock of the Bay?”

Today, that kid from Macon wouldn’t make it.

B.H. Woods is marketing and development consultant at the Georgia Music Industry Assn.

Youth-Culture Focus Is Degrading To Industry

Disappointed With The VMAs

The cover story in the last issue of Billboard contributed significantly to a buildup of my expectations for the 2003 MTV Video Music Awards. Heretofore, I have always considered the ceremony somewhat tasteless.

Last year my only complaint about the show was an admittedly vain, narcissistic one. A video by the band Cake in which I made a short cameo appearance lost to the White Stripes in the groundbreaking video music video of the year category.

This year, my disappointment is based on what I believe to be more noble grounds—artistic and moral indignation.

Instead of an art exhibit, I got exhibitionism. Instead of a video show, I got a pimp-and-ho show, compliments of folks like a once vibrant, now dirty old lady getting her jollies by planting a seductive kiss on a young female starlet: 50 Cent, a cool master of rhythm, but compared to Eminem, a day late and dollar short on lyrical substance; Snoop Doggy Dogg and the usual bands of rap pimps glorifying a life of prostitution, crime and slime.

Then there was Good Charlotte, the band that, on a good day, makes punk look like a Bad Harlot. This year I wanted the White Stripes to win. I wanted [Johnny Cash] to win. They were nominated in multiple categories.

They each won one award, in low-profile categories. It was not a year for the Man in Black or the Stripes in No. White, no not a year for black and white, only dismal shades of abysmal gray. Next year, I’ll be a no-show for MTV’s pimp-and-ho show.

Bruce L. Thiessen, Ph.D., Bakersfield, Calif.

Bruce L. Thiessen is a psychologist and psychology of music instructor.
Why have so many music retailers chosen Hilco to help them through these volatile times?

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†Nielsen Media Research: 8/28 8-11pm, 9/12-34 (2003), vs all other cable telecasts, 12/30/02-8/28/03. Qualifications available upon request. Photos by Frank Micelotta, Scott Gries and Theo Wargo. ©2003 MTV Networks. All rights reserved.

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Newman And Piano Tackle His 'Songbook'

On "The Randy Newman Songbook, Vol. 1." out Sept. 30 on Nonesuch Records, Randy Newman recreates 18 works spanning his 33-year career. But to hear him tell it, he wasn't much for the idea originally.

"It was what the label wanted, and it didn't seem particularly interesting to me," he says. "I was a little surprised that I did what the record company wanted me to."

However, as the project progressed, and as he "tried his hardest" in the studio with producer Mitchell Froom, Newman says he changed his mind.

"I now think it's probably a good idea to have a record of them the way I usually perform them," he says.

That means the album is just Newman and his piano; it's the first to feature the artist—Billboard's 2000 Century Award recipient—solo at the keyboard since 1970's "Live" album.

The songs are interspersed with snippets from his movie scores, and the result is a seamless project that showcases not only Newman's gruff yet touching vocals but also his elegant, deft playing.

Although he had been performing many of the songs in concert over the years, Newman says that when he listened to all of them together for the first time, "I realized there were things that I wrote a long time ago that I could have written last year." In particular, such songs as "Political Science" or "It's Money That I Love" seem more relevant today than ever. Other songs, like "It's Lonely at the Top," which appeared on his 1972 classic "Sail Away," grow only more hilarious.

"I wrote that for Frank Sinatra," he says. "I thought it would really be funny—the lampooning crap—but Frank didn't think it was funny. Then I played it for Barbra Streisand, and she was afraid people would take it too seriously."

Happily, he also notes that as he listened to the new versions, "I didn't notice any big decline, thank God, in quality. Actually, I think I've gotten better. I think [1999's] 'Bad Love' was the best album I've made, but you don't know if you've gotten crappier because no one's going to tell you."

One listen to the disc and it's clear that there are no signs, as Newman puts it, "of decay."

In some ways, the starkness of presentation shows him in the light that his biggest fans have always said Newman belongs in the tradition of Irving Berlin or George & Ira Gershwin.


(Continued on page 16)
Seal Reconnects

Continued from page 15

thought it lacked a crucial hit single. “So they felt I needed to come up with the song, but you see, that’s not good enough for me. I took that as meaning that basically the album wasn’t good enough. It had no bearing on the reality of who I was or what I felt I needed to communicate at that point in my life. I think I had become somewhat reclusive, living in my little castle in Los Angeles, without going back home.”

So he hightailed it back to London and spent more time in his hometown than he had in the past decade, reacclimating himself with city life (he now lives in both countries). In the process, Seal reunited with producer Trevor Horn. “I decided to go back to England to try to recapture that original creative force,” he says.

For Seal, that meant learning how to reconnect with his audience by making music that spoke honestly to him. “My reason for making records is that I believe I have something to say. It’s not the financial success. I have enough by way of material and financial,” he says. “By some miracle, I have an ability to resonate with people. I am so fortunate that I can somehow go directly to the emotional state of people and offer some kind of hope or relief with my music.”

But Seal knows there can be a thin line between touching people and preaching to them, and it’s one he makes sure not to cross even on an album as message laden as “Seal IV.” “The first thing I try to avoid is preaching to people. So I always endeavor myself to write in a way that is entertainment first,” he says. “Music is one of the few mediums left where you can escape. And yes, I have a message, but my message is there to be taken or left.”

Musically, the new album embraces modern technology, such as the drum programming on “Let Me Roll,” but the emphasis is clearly on Seal’s powerful, smooth, soulful voice. “The only two things that matter to me when I’m making an album are the songs and my ability to sing them,” Seal says. “Do I think of radio and what will make a hit? No. You’ll drive yourself crazy if you try to figure that one out. ‘Kiss From a Rose’ was a warth with a strange type of English medieval baroque and a kind of R&B feel to it. It has got all the things that shouldn’t make it a hit.”

The tune was the most-played song at top 40 radio in 1995, according to Billboard, and went on to earn Seal a Grammy Award for both record and song of the year in 1996.

The new album’s first emphasis track, “Waiting for You,” is slowly finding an audience at radio. It is No. 36 on the adult top 40 chart this week, and it debuts on the AC chart at No. 29.

Joel Grey, PD for KKLJ Phoenix, says of the song, “It’s still in my light rotation, but it seems to be doing pretty well. Nobody has called to request it, but callers have been asking who we played after the fact, so that’s a good sign. People think it sounds like a Peter Gabriel record.”

Radio is not the only driver for the album, label executives stress. “Waiting for You” is also being used by NBC as a major part of a campaign to introduce its fall lineup. “NBC received this album early this summer and immediately put ‘Waiting for You’ into a campaign called ‘The New Faces of NBC,’” says Lori Feldman, Warner Bros., senior VP of television marketing.

That campaign ran for four weeks and led to the song being chosen as the leadoff track. In the U.K., “Love’s Divine” is the first single in the rest of the world, it’s “Get It Together.” Now, “Waiting for You” is being used to tease the premiere of the final season of “Friends” on the network, as well as in a five-week campaign for TNT’s repeats of “Law and Order” that start Sept. 19.

“Exposure like this can make all the difference in the life of a record,” Feldman says. “We are hoping to do more TV licensing with Seal, both for this single and for other material on the album.

With top 40 radio dominated by young hip-hop and R&B artists, Warner Bros. chose not to spend the money to make a traditional al video. “He’s not R. Kelly or Justin Timberlake, and he didn’t perform this song as a 40-year-old with a 20-year-old guy doing the vocal,” says Jeff Ayeroff, Warner Bros., vice-chairman.

“What we commonly do with our upper-demo audience is instead of spending $250,000 and hoping that MTV and VH1 will care, we take $25,000 and do a two-minute filmed commercial that looks like we spent $250,000.”

The commercial has aired on the Internet and several TV outlets and has been used as a calling card for the album on a number of TV entertainment programs. “That’s why we did the two-minute piece—to go to different partners and not just use radio or video,” Ayeroff says. “We wanted to go to mass marketing channels to expand his audience.”

Other promotions included a tie-in with amazon.com. Customers who pre-ordered the album prior to its Sept. 9 release date on the site had access to a 20-minute exclusive interview with the artist and three of the songs on the album. Additionally, amazon.com offered the album for $12.98, deeply discounted from the list price of $18.98.

While Seal’s career may have been dormant in the U.S. for the last few years, it has been very active in Europe. Since the last album’s release, he has appeared on “My Vision,” a British hit for Jakarta, and was a guest performer on French star Mylene Farmer’s hit, “Les Mots.”

“Artists have their careers in different places,” Ayeroff says. Seal has had “huge hits in the rest of the world with English and French artists. Here, he has had lesser success. This album will make up for all that.”

Additional reporting by Margo Whitnire in Los Angeles.

The Beat

Continued from page 15

ility that the album will happen in record stores or sweep the country, but he wanted me to be seen as a member of that fraternity.”

Of course, Newman is too modest to put himself in that class. “You can sing Gershwin. My stuff is kind of tough,” he says. “I don’t really feel I’m up there. Lyrically, I’m a different thing. My love songs, like ‘Marie,’ are as close as I get to mainstream, and I don’t do many of them.”

In addition to preparing for his return to the road—a U.S. tour starts Sept. 19 in Boston—Newman is also writing songs for an album of new material on Nonesuch. “If they don’t drop me,” he says. “It would be so hip if they did that—dropped me after they put out ‘Vol. 1.’ I’d almost enjoy that.”

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Persons interested in the foregoing position should submit a letter of application within ten days to the following address: Stage Holding, Caspar Genewe (CDO), PO Box 75182, 1070 AD Amsterdam, The Netherlands

STUFF: “American Idol!” contestant Kimberley Locke has inked a deal with Curb Records (billboard.com, Sept. 7). She will record her label debut in Nashville. No release date has been set . . .

Jackie Brown met with a number of California legislators Sept. 9 in Sacramento to discuss artists’ rights and label accounting procedures. He appeared at the invitation of Sen. Kevin Murray, D-Los Angeles, who currently has a label fiduciary bill before the state Assembly that has already passed the state Senate. A representative for Murray says, “We just want to keep educating members as the artists are available.” . . .

Martyn Olinick, a 32-year vet at BMG and most recently senior VP of licensing for BMG Strategic Marketing, has left his post. He can be reached at olinick@bqglobal.net.

NEWMAN: “VOL. 1” OF AN AMERICAN SONGWRITER

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Ludacris Boosts DTP Clique On New Def Jam South Set

BY RASHAUN HALL

NEW YORK—In hip-hop, family can be everything. Most rappers are affiliated with one clique of artists or another. For Ludacris, it's Disturbing Tha Peace (DTP). The group and the label of the same name serve as the Atlanta-based rapper's foundation. So, it only makes sense that they take center stage on his third Def Jam South set, "Chicken & Beer" (Oct. 7).

Lead single "Stand Up," which features DTP member Shawnna, is a prime example. "'Stand Up' is an energetic record," Ludacris says. "It's an uptempo record that is both male- and female-friendly. That's what it's going to make people do when they hear it—stand the fuck up! It's a club banger."

Shawnna isn't the only DTP clique member featured on "Chicken & Beer." The rest of the DTP family—Chingy, I-20, Titty Boy and Lil' Fate—also appear on the set. Ludacris sees his album as a platform not only for him but for DTP as well. "I'm trying to promote other [DTP] artists as well as to promote this album," Ludacris says. "For example, 'P Poppin' features Shawnna and Lil' Fate, two of the artists signed to Def Jam South through Disturbing Tha Peace. That's why I put those two on that record without even second-guessing. I wanted to give them that exposure."

"It's just the setting of the platforms," Def Jam South GM Chaka Zulu adds. "Everybody in the clique has a solo deal and albums in the can. Behind this album, they'll be able to be steam-rolled into their solo projects."

His first two sets, "Back for the First Time" and "Word of Mouf," have sold more than 2.9 million and 3.3 million units, respectively, according to Nielsen SoundScan. Ludacris believes that "Chicken & Beer" will not only satisfy his core fan base but will also earn him more followers. "As time goes past, I'm definitely trying to get better and better at the skill," Ludacris says. "This album is taking that next step. When you thought it couldn't get any wilder, crazier or more versatile, I'm going to surprise people again by letting them know I can rap so many different ways. That's what I'm here to do."

(Continued on page 19)
Ludacris
Continued from page 18

"It's all about being consistent and taking things a step further," Zulu agrees. "With Ludacris he's doing that," he says. "There is a lot of pressure on a solo artist these days. Ludacris is doing a lot of things." Ludacris, he says, is the perfect example of someone who has made the transition from rapper to actor. "Ludacris is a great actor," he adds. "He's got the skills and the talent." Ludacris, he says, is one of the few rappers who has been able to make the transition from street performer to mainstream artist. "Ludacris is the perfect example of how a rapper can make the transition from the streets to the mainstream," he says.

In addition to his music, Ludacris launched his film career this summer with a role in "2 Fast 2 Furious." While he is currently reading more scripts, the rapper does not see himself working just in front of the camera. "We sold a script to MTV Paramount called 'Skip Day,'" he says.

Everybody [in the clique] has a solo deal and albums in the can. Behind the scenes, they'll be able to be steamrolled into their solo projects.'

—CHAIA ZULU, DEF JAM SOUTH

"It's like a 'Ferris Bueller's Day Off' meets 'House Party.' You know how in high school all the seniors will pick a day to skip class before they graduate? That's the idea. There is a lot of other movie stuff that I'm trying out for, but it's not in stone right now." While Hollywood looks ready for Ludacris, he isn't going to put down the microphone just yet. He believes he still has a lot to accomplish as an artist and an executive. "Being the CEO of the Disturbing The Peace label and an artist at the same time takes a lot of work," Ludacris says. "It's a lot more than people might think. You have to invest a lot of time, make sure everything is in the right place and make strategic moves for the label, not just me. If I have an opportunity presented to me, I try to do something behind the scenes with my artists as well as depending on whose time it is or who's going to come next. "Right now, we're working on 1-20 kind of heavy, because he's coming next," he adds. "So, if you look at the Neptunes album ['The Neptune Presents... Clones'], there's a song with me and him. So, if anyone wants me to do something, I always try to incorporate my artists. That's what's important. The bigger we become as a unit, the better we are as a company, and the more success we'll have."

"We sold a script to MTV Paramount called 'Skip Day,'" he says.
DVD Captures Tribute To Gov’t Mule’s Woody

BY CHRISTOPHER WALSH

NEW YORK—Three years after the death of founding bassist Allen Woody, Gov’t Mule marks the end of an era—and the start of a new one—with the Oct. 7 release of “The Deepest End” (ATO), a two-CD/DVD package documenting the band’s six-hour concert May 3 at the Suwanee Theater in New Orleans.

“The Deepest End” follows volumes one and two of the “Deep End” releases in 2001 and 2002, respectively, and Phish bassist Mike Gordon’s “Rising Low,” a documentary of the “Deep End” projects, on which Mule paid tribute to Woody with help from many of the band’s musical personalities. With 25 guest musicians, including 13 bass players, “The Deepest End” documents the complete May 3 concert, itself a comprehensive tour of Gov’t Mule’s myriad influences.

Founding members Warren Haynes (guitar, vocals) and Matt Abts (drums), along with keyboardist Danny Louis, are joined by such guest musicians as Jack Casady (Jefferson Airplane, Hot Tuna), Les Claypool (Primus), Bela Fleck, Jason Newsted (Metallica), George Porter Jr. (the Meters), Bernie Worrell (Parliament/Funkadelic), Dave Schools (Widespread Panic) and Gordon.

“Working with a lot of these cats that are legends is in itself an experience,” says Haynes, who formed Gov’t Mule as a side project in 1994 when he and Woody were members of the Allman Brothers Band. “Musically, we always try to keep our cars open to wherever the music wants to go. These people are legends for a reason; they all have extremely strong musical personalities. So instead of doing the norm for us, which would be to drive the train the way we want it to go, we found ourselves listening a lot more to see where these people would take it.”

“What we found,” Haynes adds, “was that all these influences we’ve always had through the years came out in larger doses, in some cases, than we had ever experienced. Being in such a vulnerable state after losing one of your best friends and a huge part of the sound of our band, (and) all of a sudden replacing that, filling that void with all of these wonderful musicians—it was just a very emotional time and very much a transitional state. You could feel change happening all the time.”

Known for extended jams that often incorporate multiple songs, yet maintain an almost telepathic tightness among the players, Mule’s many guests rise to the occasion, seen and heard on such tracks as “Sea Mule,” featuring Worrell and bassist Victor Wooten; “John the Revelator,” featuring the Dirty Dozen Brass Band horns and a particularly searing slide guitar by Haynes; and “Mule,” on which the band and Porter segue into and out of Van Morrison’s “I’ve Been Working.”

For Gov’t Mule, “The Deepest End” marks the first time the band has presented itself on the DVD format, apart from the “Rising Low” release. The high-definition audio and video of the format allows not only a front-row view of the concert but also a 5.1-channel surround sound mix along with a standard stereo mix, both created by Chris Castellani and engineered by David Sigler.

The five-CD/DVD collection captures every aspect of the show, from the band’s pre-concert soundcheck (which is itself almost two hours long) to the audience going wild at each encore. By contrast, the bonus audio DVD contains live versions of some of Gov’t Mule’s most popular songs and is less than 40 minutes long.

Gov’t Mule’s “Deep End” projects are legendary in their own right. With help from thousands of fans, they recorded and released “The Deepest End” in 1998 and followed it with “The Deepest End: Volume 2” in 2001 and “The Deepest End: Volume 3” in 2002. The projects have raised more than $1 million for various charities, including the Save the Music Foundation, which helps local schools keep music in their programs.

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Mule Names New Bassist

Three years after the death of founding member Allen Woody, Andy Hess has been named permanent bass player for Gov’t Mule. The new lineup will begin a fall tour Oct. 3 at the Backyard in Austin.

Hess, who has recorded and toured with John Scofield, the Black Crowes, Joan Osborne and Freedy Johnston, among others, is one of many musicians who has performed with the band since Woody’s passing, touring briefly with the group in 2002.

Hess tells Billboard that he is excited about signing on to Mule’s notoriously frenzied touring schedule. “I’m kind of a road warrior, so I can do it,” he says. “Gov’t Mule’s ‘Deep End’ projects were special. Hess adds, “but I think those guys are also really psyched to have a unit again, to be a group just coming together and playing music, maybe doing some recording—becoming a band again.”

(Continued on page 22)
Winans Imprint Springs Forth

Gospel darling CeCe Winans returns with the Sept. 20 bow of “Throne Room,” the first of three new releases from her Nashville-based label, Pure Springs Gospel. The other two sets are the recording debuts of Vicki Yohe (Sept. 16) and the Born Again Church Choir (Oct. 7).

Winans, a five-time Grammy Award winner, wrote six of the songs on the CD, which marks the first release in a joint venture struck earlier this year between Winans and Epic Records.

“At first, we were talking about Epic, I told them, ‘I’ve got to do a worship album before I can do anything else,’” Winans says. “For the past two years, I’ve had confirmation after confirmation that God wanted me to do it. The time we’re living in are tough, and we’ve got to learn how to worship, because with that we can create an atmosphere in which God can work in our lives.”

So convinced is Winans that the first eight of 16 songs are uninterrupted, bleeding one into another. The album’s title cut is a collaboration with contemporary pioneer and worship master André Crouch.

“When I sat with him at the piano as he began playing the music to ‘Throne Room,’ it expressed precisely what I wanted to say on this album, and it became the title song,” Winans says. “‘Mercy Said No’ another deeply personal track, tells of when her brother Ronald stopped breathing during surgery.

“We were in that hospital desperately praying,” Winans recalls, “and this song says, ‘Life and death stood face to face, and God said no.’”

Winans is backed by the Born Again Church Choir (her home church choir) on the release, which was produced by Victor and Cedric Caldwell. Gospel radio outlets are giving much attention to the track “Hallelujah Praise,” which some have likened to Mary Mary’s “Shackles.”

Next month, Winans will begin work on a pop-oriented release due out next spring. Currently, she is wrapping a promotional tour of worship services that kicked off in Los Angeles last month and included such key secondary markets as Houston, Dallas, Philadelphia, Atlanta, Tulsa, Okla.; Nashville; and New York.

“Because the music is so much about worship, we’ve been going to churches,” Pure Springs president Demetrious Stewart says. “CeCe really wanted to personally introduce the project. A Throne Room tour is being planned for the second quarter of next year, where she can do this on a larger scale.”

In the meantime, the set is being promoted with the inclusion of a bonus DVD, with interview and performance footage, to the first 100,000 people who purchase the CD.

New Label Targets Kids

The Flicker Records gang is branching out with a new label geared toward children. Big House Kids will target young consumers with the Christian message through such mediums as music, video, interactive games and live tours.

Flicker Records GM Troy Vest is heading the new venture and will oversee A&R, marketing and operational functions.

EMI Christian Music Group’s Chordant Distribution Group and EMI Music Marketing will distribute the label.

Flicker is owned by Audio Adrenaline members Bob Herdman, Will McGinniss and Mark Stuart. Vest went to work for the label earlier this summer.

“Some people might think that it’s strange for a label that’s well-known for its success with rock music to start a children’s label,” Vest says. “The reality is that between Bob Herdman, Will McGinniss and myself, we have eight kids. As parents, we want to provide high-quality entertainment from a biblical worldview that stimulates a child’s mind and spirit. We’re all really passionate about the new venture and are looking forward to the release of our first project, ‘Praises & Smiles.’

“Half of this album is the first title in a series called the Praise Baby Collection: Music for Baby’s Spirit and Mind. The series, which launches Big House Kids, arrives Jan. 27, 2004, and will feature a line of audio and video products.

“Although Flicker and Big House Kids are at different ends of the spectrum, the mission for both is the same,” Vest says. “Ultimately we want to build a relationship of trust, whether it’s with teens and their parents or moms of preschoolers. Our desire is to reach people with a message of life and hope; [no] matter if they are 1 or 21. Speaking specifically of Big House Kids, our goal is to develop a stable of premium brands that parents can trust for infants through pre-teens.”

NEWS NOTES: Retirement doesn’t seem to be in Jim Van Hook’s vocabulary. The former chairman/CEO of Provident Music Group

Upcoming Specials

MTV Latin 10th Anniv. issue date: October 25 • ad close: September 30

Music Distribution issue date: November 1 • ad close: October 7

Atlanta issue date: November 1 • ad close: October 7

Yes 35th Anniversary issue date: November 1 • ad close: October 7

Latin Music 6-Pack 8 issue date: November 8 • ad close: October 14

www.billboard.com
Jones Finds Her Thrill On McPartland Bill

Before her Aug. 30 appearance at the Tanglewood Jazz Festival in Lenox, Mass., Norah Jones was anxious. Although uncomfortable on stage early in her career, Jones has matured into a seasoned performer. So why was she so uneasy?

Because she agreed to play piano duets with Marian McPartland during a live recording of the classy and witty grand dame of jazz’s long-running NPR program, “Piano Jazz.” (The show will be broadcast later this year.)

“This is a thrill for me, but you make me nervous,” Jones said to McPartland in front of a large audience in Seiji Ozawa Hall, which also opens onto the outdoor lawn. “You play so well.” McPartland charmingly responded. “You’re so good. I want to hear you play more.”

At ease, Jones giggled, then sang the standard “Easy Living,” which included solo grand piano breaks by both players (Jones on a Yamaha, McPartland on a Steinway).

Earlier this year, Jones, 24, was a guest at McPartland’s 85th birthday party concert held at Birdland in New York. On that occasion, she shyly said, “I saw Marian perform when I was 13 in Dallas. This is such an honor to play with her tonight.”

But apprehensive of holding her own on piano, Jones then chose to sing two numbers with McPartland accompanying. Six months and dozens of sold-out concerts later, she was ready, albeit timidly, for the Tanglewood challenge.

The two-hour program proved to be both entertaining and engaging, with no sign of frayed nerves. The two chatted about such topics as Jones’ future projects (she returns to the studio this fall after a month’s vacation) and writing lyrics (Jones performed Duke Ellington’s “Melancholia” graced with words she penned).

The two joined for sublime renditions of “Summertime” and “These Foolish Things,” and McPartland played Jones her classic composition “Twilight World.” She also improvised a quiet, playful musical portrait of her guest, after which Jones said enthusiastically, “That’s the coolest ever for me.”

GRAVITY: Tenor saxophonist David S. Ware is well-known for his gripping quartet recordings, which are potent improvisational celebrations of unrestrained risk-taking. He has honked and hollered his way through several albums during the past three decades. His latest, “Threads” (Thirsty Ear), due Sept. 23, reveals the meditative side of the tenor’s spiritually charged personality. In addition to his longtime sidemen—keyboardist Matthew Shipp, bassist William Parker and drummer Guillermo E. Brown—Ware enlisted jazz viola player Mat Maneri and classical violinist Daniel Bernard Roumain for his new String Ensemble.

In the CD’s liner notes, Ware, who either wrote or co-wrote all six pieces, says, “I didn’t want to make another quartet album with everybody blowing. There are enough records with me blowing my brains out. I want to become as good a composer as I am a player.”

LEVITY: Slide trumpet/arranger Steven Bernstein is not only an imaginative bandleader—he also has an enormous sense of musical humor. On “Dime Grind Palace” (Ropeadope Records), his latest Sex Mob recording to be released Sept. 23, Bernstein unleashes his crew to dive into warped, swinging, waltzing, funk-grooved and catchy-like tunes inspired by an eclectic array of musicians from King Curtis to Little Richard to jazz trumpeter Roswell Rudd, who guests on this live studio date.

THREE-DOT LOUNGE: New releases also arriving Sept. 23: Rising-star trumpeter Jeremy Pelt makes his Max Jazz label debut with a albums, “Close to My Heart,” which features a hauntingly lush version of Charles Mingus’ “Weird Nightmare...” On his new Milestone Records album, “Coast to Coast,” Red Holloway hooks up with fellow tenor saxophonist Frank Wess for a grooving set of tunes spanning the jazz repertory... Southern Californian contemporary jazz saxophonist Eric Marienthal delivers “Sweet Talk,” his second Peak Records album and 10th overall. The new set was recorded in New York and produced by Jason Miles.

Gov’t Mule

Continued from page 20

ated by producer/engineer Michael Barbiero and Haynes.

For a live project,” says Barbiero, who has produced all of Gov’t Mule’s albums, “you want the listener to experience the project as if they were in the audience. A little bit of the exact mix you’ve got in the front [that] will serve the test of time, as well. It will be one of the great live albums, honestly, of all time. The night was that amazing, and obviously such a testament to Warren and Matt, and to Allen. [These are] hard-working, amazing people and great musicians, and it’s all documented through the recording and filming. We’re excited about it; it’s exciting to put out a combo package—two CDs and one DVD together.”

“The Deepest End” will be packaged in a double-CD jewel case with a 24-page booklet featuring photos and liner notes written by Haynes, Tetzeli adds; it will be priced at $23.98.

“That’s cheap for a double live album,” Tetzeli says. “It’s a decision by the band and record company that that’s the right thing to do. I know retail is excited about that, as well. I expect it to be absolutely huge for us,” says Paul Epstein of Denver-based retailer Twist & Shout. “I’ve seen the same arc with Gov’t Mule that I saw with Phish, moe. all of these bands. I’ve seen the venues get bigger and bigger, sales get bigger and bigger. what’s going on with them is very familiar to me. I expect it to be a keystone release for the fourth quarter.”

After three years of recording and touring with guest and more Woodsy’s role, Gov’t Mule has just named a permanent bass player, Andy Hess (see story, page 20). A fall tour will commence in October, featuring Hess and Louis, now a permanent addition to the one-time power trio.

“It feels like now’s the time for us to really start moving at a whole new pace,” says Haynes, a relentless former who played roughly 200 shows per year with Mule prior to Woodsy’s death and more than 100 per year subsequently.

He has also rejoined the Allman Brothers and is a member of Phil Lesh & Friends.

“We’re seeing the future a little more clearly now and realize there’s something special about what we do and that we need to keep it together.”
All That Jazz

MMF Honoree Takes Questions

BY PAUL SEXTON

Jazz Summers, the recipient of thePeter Grant Award for 2003 from the U.K. Music Managers Forum (MMF), has guided such British talents as Whom?, Lisa Stansfield and Yazz to global prominence for some 20 years. But that's only part of Summers' story.

He has been a musician and a record-company owner with Big Life Records. With business partner Tim Parry, he continues to oversee Big Life Management's thriving roster of artists, producers, engineers and mixers, as well as the rich publishing catalog of Big Life Music.

The company estimates that its management team has been directly involved in the sales of 40 million albums and 47 million singles worldwide and some 85 top 40 hits since its founding in 1986. Big Life currently manages such acts as Badly Drawn Boy, Jaz Coleman, Queen Adreena, Snow Patrol and the Futureheads. Producers on its roster include Youth, Andy Gill and Hugo Nicolson.

Summers will receive his MMF honor, named for the late, legendary manager of Led Zeppelin, Sept. 17 in London.

Tell us about your early musical career, before you became a manager.

My dad was an army musician. He taught me to play drums when I was 5 and xylophone when I was 8 or 9. By the time I was 10, I was well into music.

I joined the army when I was 16. I joined it to "learn a trade," because my dad said, "You'll never make money from music."

I went to Newcastle, and my cousin said, "This guy from this band wants to talk to you. Our drummer's dad banned him from going out. Will you play drums with us?" After that, they said, "Do you want to join us? We're going (Continued on page 27)

All Aboard The Digital Train?

BY BRIAN GARRITY

Digital distribution may be the future of the music business, but inside the office suites of artist managers, few are in any hurry for the future to arrive.

The industry's embrace of downloading and streaming is being met with a mix of ambivalence and trepidation by artist representatives.

"There are some artists who say, 'I'm not going to participate until the system is figured out,"' one management source says.

With the major labels clearing hundreds of thousands of tracks for sale online, a large number of artists are now represented on such digital services as Apple Computer's iTunes Music Store and RealNetworks' Rhapsody. Even the Rolling Stones have boarded the digital train.

But a growing number of acts and their representatives are expressing reservations about the creative and financial implications of unbundling albums and shifting to a singles-based economic model.

Thus far, many managers are hesitant to resist the record labels on digital distribution in hopes of establishing a market for commercial online consumption.

But a fight over digital distribution is likely brewing — both regarding the future of the album and royalties paid to the artist for online sales — as new download stores bow on the ubiquitous Windows platform this fall.

The majority of artist representatives interviewed by Billboard acknowledged that in the age of peer-to-peer piracy, they have little choice but to climb aboard and help commercialize digital distribution.

"If people are worrying about cannibalization, it's too late. It's already happening," says Dan Fraser, president of Nettwerk Management and manager for such artists as Coldplay, Avril Lavigne and Sarah McLachlan.

But many managers continue to question whether the new model of online consumption is ultimately a good thing for their clients.

"We're operating in a world where it's still much better for artists to sell CDs," says Michael Lippman, president of Lipman Entertainment and manager for Matchbox Twenty. "The business is not set up to sustain an online sales model at this point."

A NEW CONCERN?

To date, download economics have not been an area of much concern for artists and their handlers because of the limited revenue opportunities.

But veteran manager Irving Azoff pointed out to Billboard earlier this year that many digital distribution deals are short-term licenses and that "there are going to have to be renegotiations later."

(Continued on page 25)
BY PAUL SEXTON

Amid the many challenges facing the music industry, the members of the Music Managers Forum in the U.K. have responded with "gritty determination," according to MMF general secretary James Sellar.

"Any perceived crisis forces people to reassess and change their business model," Sellar says. And the MMF, now in its 11th year and with chapters in the U.S. and other major music markets, has empowered its members to take on that task.

Sellar adds, "Whatever happens, managers will still be the 'sword and shield' for the artistic community. And the MMF will help them achieve that."

For example, while digital technology is blamed for online piracy and plummeting record sales, technology also promises new revenue from sources such as ring tones, videos on cell phones and digital TV channels.

"Artists still don't get [video performance royalties]," Sellar notes. "The MMF will be vigorously campaigning for a slice of any income derived from these types of technologies to come back to the artist."

Meanwhile, managers continue to focus on such strategies as self-financed releases, territory-by-territory licensing and improving terms in recording contracts. "There's a confidence that these tasks are achievable, which we would like to think has something to do with our training programs," Sellar says.

Stuart Worthington, head of training and education for the International Music Managers Forum (IMMF), the umbrella organization for MMF chapters worldwide, also lead that effort. "Training will always be one of the cornerstones of our organization, Sellar says.

The past year has also been busy in terms of the "necessary evil" of political lobbying. Sellar adds, "The MMF has been particularly supportive of British Music Rights [the London-based body that promotes the interests of the U.K.'s composers, songwriters and music publishers] with their campaigns and the Music Business Forum, of which the MMF is an active member," he says.

A key achievement has been the invitation for the IMMF, chaired by Peter Jenner, to become a participating member in the World Intellectual Property Organization. Sellar thinks this is significant because it acknowledges the fact that the IMMF comprises the closest contact to artists in this type of forum.

"At this level, the IMMF will be making submissions concerning collection societies and copyright and Internet treaties," Sellar says. "It validates the MMF," he says, adding, "We're pleased the government recognized the need to look after the interests of the creators, performers and songwriters."

Another goal of the manager's group this past year is to reach out beyond the music industry capital of London. "Some of the best entrepreneurial projects and discoveries are outside of London," Sellar notes.

He adds that there are plans to open an MMF office in Manchester and increase the number of courses and events in other areas of the U.K. As a member of the Music Exports Group in the U.K., the MMF also is exploring the feasibility of a U.K. Music Office in the U.S., to boost the prospects of British talent in the U.S. The MMF is working on a business plan for an office with other government and business entities such as the Department for Culture, Media and Sport and Trade Partners U.K.

"We believe that an office would benefit all sectors of the industry," Sellar says. MMF is also working with ASCAP to produce a series of guides to major music capitals in the U.S. for managers traveling in the country from abroad. "ASCAP has always been tremendously supportive of the MMF," Sellar says, "and we're particularly pleased to plug into their experience to give our members access to something with practical usage."

On its own, the MMF also has produced the third edition of "The Music Management Bible." "This book has become an increasingly important calling card for the organization," Sellar says. "We encourage artists and managers to read it and promote good practices and understanding between artists and managers."

The ties between managers in the U.K. and the U.S. remain strong. "We hope to do a series of reciprocal training programs in early 2004," he says. "The U.S. chapter is important to us, and we'll be working to help each other's members and influence grow."

The art of management continues to evolve, Sellar continues, offering Jazz Summer, the recipient of the MMF's Peter Grant Award this year, as an example of a manager who has changed with the times. "He's very much 'old school,"' Sellar says, "but if you look at his roster and his approach to new contracts and opportunities, he stays ahead of the game with his team. Peter Grant himself would have approved."
"If this thing really connects, they're going to have to go back to artists and pay more of the 50/50 model than the 80/20 model they're trying to do right now," he said.

Others note that an economic model acceptable to artists still needs to be established.

"It's completely unclear how the royalty rates are going to be worked out," says Bill Diggins, manager of TLC.

As far as artist payments are concerned, some labels pay out on the artist's album royalty rate—typically a 15% royalty on the wholesale price. Others give artists a royalty rate for singles sales, which is 12% on average.

It also varies from label to label regarding whether deductions are taken on technology (typically 20%), packaging (20%) and free goods (15%) before paying royalties on a permanent download. Such deductions are standard with sales of CDs.

Universal Music Group and Warner Music Group are considered to be at the forefront of progressive wholesale and compensation efforts. Both label groups announced last year that they would not deduct such fees in digital singles sales.

But even in the most progressive models, economic concerns abound about a shift to a singles-based system.

Artist representatives say that the hit to the bottom line is significant for artists in a singles-oriented model—especially for those writing their own material.

Rather than collecting songwriting mechanicals on as many as 14 tracks plus an artist royalty on the album sale, payment is being parsed on a per-track basis in a singles model.

The loss of artistic control is also an issue.

"I have great concerns about being able to buy each song from an album separately," says Merck Mercuriadis, CEO of Sanctuary Group U.S., which handles Iron Maiden, the Pet Shop Boys and Jane's Addiction. "The album as an art form is something we as an industry have to protect the integrity of."

ARTISTIC UNCERTAINTIES

Given all of the uncertainties, some of music's biggest acts—the Beatles, Metallica and Garth Brooks—are not yet allowing the sale of their music through online services.

Still others are rethinking their position on digital distribution.

For example, Warner Bros. Records band Linkin Park recently pulled its music from digital services. The group has expressed concerns about undercutting album

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All Aboard?

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sales, according to sources.

“For the largest artists, they just don’t care,” says Whitney Broussard, an attorney with entertainment law firm Silverman, Mandelbaum & Mintz. “It makes sense for them to sit back and let other people make mistakes.”

But as online sales grow, the issue could become more widespread among artists.

Some artist managers say that there could be growing limitations of content availability on online services as digital royalties become a hot-button issue.

“Ubiquity is going to move this issue to the front burner,” Diggins says. Label hopes are running high that the pay-per-download business will morph into a mainstream phenomenon once it hits the PC market.

While sales figure to be more singles-driven than album-driven, the revenue is expected to be made up by the increased volume of singles sold.

WAIT-AND-SEE APPROACH

But until the PC market is up and running, that’s only a supposition. Managers are taking a wait-and-see approach.

Those bullish on the future of distribution say that the model will work in the long run.

“Once copyright protection problems are solved, the single is going to be everywhere,” Diggins says. Other managers are voicing concerns about the short-term impact.

“If I like that people are selling music as singles? Absolutely not,” says Josh Lippman, Lippman Entertainment director of new media.

But Fraser says the industry has little choice but to accept digital distribution.

“To worry about whether or not to participate in iTunes or any other services because it will ghettoize your record is pipe-dream thinking,” he says.

He adds that if there are people willing to pay for à la carte downloads, the music should be available because the alternative is losing the sale to free peer-to-peer networks.

That said, some artists, like Madonna and Radiohead, are stipulating that their music be sold exclusively in an album bundle.

Some artists and managers are also expressing concerns about royalty terms.

On average, for a 99 cent download, the label is taking home 47 cents per track before accounting for production, marketing, promotion and other costs; the service provider is grossing 34 cents per track before technology, processing and distribution costs; and the artist takes 10 cents before paying out to producers and other collaborators. The publisher/songwriter share is 8 cents.

That’s assuming the label is selling tracks at a 65-cent wholesale rate and that the artist is receiving an album royalty rate with no deductions applied.

Those conditions can vary, depending on the label, the artist’s deal and the service provider.

To make up for the shift to singles sales, some artists who have control of their digital rights are looking for a bigger royalty rate than the labels want to grant.

If the average act nets 18 cents, including publishing, on the typical 99-cent download, star acts are seeking upwards of 40 cents, sources say.

In some cases, the digital royalty debate and approval of online distribution is being wrapped into larger contract negotiations, especially in cases where an artist is seeking a new or upgraded deal.

But more often than not, artists are taking the digital deals the labels are offering, according to Broussard.

“Given that it’s not one of the biggest sources of income, even at the superstar level, it’s not one of the most important issues,” he says.

Regardless of pending battles over digital royalties, many managers want to see systems in place to help protect the album format and the CD.

Mercuriadis says the industry cannot lose sight that music enthusiasts still want a tangible product they can actually hold in their hands.

The ideal goal, he and other managers say, is to use digital distribution for artist brand-building and ancillary income.

“The industry needs better ways to market our product,” Fraser says.

Acts like Matchbox Twenty are attempting to drive such thinking by offering Web-only content through services like iTunes.

“What we’ve done is stress that people should buy unique exclusives,” Lippman says. “We want people to have the attitude that [a] record is [a] record and this is another thing.”

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NEW YORK LOS ANGELES LONDON
All That Jazz

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to Germany. We're going to get £15 [the equivalent of $23.60 today] a week.

How did you get out of the army?
I'm a bit colorblind. I was being trained to do electronics, and I connected all the wires up wrong.

I left and trained as a hospital radiographer and formed a band, called the Shades of Blue, in Malaysia. We got a deal on a label called Life Records, of all things. We played in Kuala Lumpur [Malaysia] and Singapore; this was the late '60s. I [was] shanty poor, just like my old man said. But it was great.

I was in a band playing clubs in Germany, and we hadn't been paid for about seven gigs. It was awful, and I said we'd do and see this German agent and tell him unless we get paid, we're not playing.

The rest of the band are not saying anything. The agent said, "I can't pay you, I haven't collected the money yet."

And you know they were buying and selling you. Agents would buy a band. Say you did a gig for 20 quid—they'd sell you to the club for 30 quid and still charge you 20% of your 20 quid, so he's making 12 quid and you're making 18.

We got half the money and played that night. Afterwards, the back doors of the van were closed and the guys said, "Jazz, we've just fired you.

The agent said if we didn't fire you and take this new drummer, we couldn't do the rest of the tour." So I was left completely broke on a street corner in Frankfurt. I sold half my drum kit to get a ticket back to London.

Was there work back home?
I worked back in hospital and played gigs, doing top 40 stuff. I played on some of those "Top of the Pops" records [budget-priced cover compilations of hits of the day]. I shared a flat with U.K. folk entertainer [Richard Digance, who asked me to play drums on his demo for Transatlantic Records. His manager walked out on him, and he said, "Would you manage me?"] I said, "I'm not a manager, I'm a drummer." He said, "No, you organize everything; you're good at all that. You could manage me."

Were you any good as a rookie manager?
I didn't have a clue. There's no school for management. Hilarious, really, the things you do. We did a deal with Transatlantic—publishing and recording. I think he got a £600 [the equivalent of $943 today] advance for the pair, a 4% royalty in the U.K. and a 50% royalty for the rest of the world. I knew nothing.

That was the start. After three years of managing Richard, I made a difference in his career. Then he fired me, and that was hard.

Did that knock you back for a while?
I told it pretty badly. I stopped playing by that time but I was still working in the hospital. So for six months, I didn't do anything. I went to the Cambridge Folk Festival the next year and ran into Dave Woods, who was an agent then. He said, "You've got to come to see this punk thing; I'm running the Vortex." I was totally knocked out by it.

I found a band called the Stukas, a kind of R&B/punk band, and got them a deal with Sonet Records. They changed their name to the Autographs, and I signed them to Mickie Most, which was a learning curve.

I ended up booking bands at London venues like the Pegasus and the Fulham Greyhound and managing bands like the Crooks and the Late Show. They were the first top 40 hit I had, with "The Bristol Stomp," but they'd fired me by then. All managers get fired in the end.

Was it around this time that you met Tim Parry?
The Crooks turned into a band called Modern Jazz, and Tim was the guitarist. They became Blue Zoo, which was the first time I was with a band on "Top of the Pops," with a song called "Cry Boy Cry" [No. 13 in the U.K., 1982]. I'd left the hospital by then.

(Continued on page 28)
All That Jazz

Continued from page 27

How did the association with Wham! begin?
I signed Blue Zoo to Arista, and while I was doing that I heard Wham!’s white label of “Wham Rap” at Island Music’s offices. I knew Mark Dean [of Innervision, to whom the act was signed], and he played me a demo of “Careless Whisper.” I said, “Who wrote that? That’s a No. 1 all over the world.” He said, “This guy George Michael.” And I said, “I’ve got to manage this band.”

Bryan Morrison and Dick Leahy got the publishing. Bryan said, “Quite honestly Jazz, you’re not a big enough manager.” And I suppose at the time, I wasn’t. Then I met Simon Napier-Bell, and he said, “Do you want to go into a partnership?” I went back to Morrison and Leahy and said, “I’ve got clout now; I’m in a partnership with Simon Napier-Bell. He managed the Yardbirds and he wrote ‘You Don’t Have To Say You Love Me.’”

Wham! was having hits all over the place. Dick Leahy said, “Do you want to have a meeting with George and Andrew [Ridgeley]?” So we ended up managing them. That was a blast, for three years. It wasn’t very nice how it ended, though.

Simon and I went our separate ways, and I said to Tim Parry, who was managing Marc Violets, “Come and work with me. I’ll give you a few quid a week until we get going.” That’s what happened. We’ve been together since.

‘Music is bigger than it’s ever been, but the industry is still hanging on to what it knows. It’s a bit like the publishers hanging on to sheet music in the ’50s.’

Did Big Life Records start soon afterwards?
I was managing Lisa Stansfield then, her group was called Blue Zone, who had a deal with Arista. Tim and I found the Soup Dragons together. Then of course, I was married to Yazz. I didn’t let the business know that, because I was trying to find her a deal.

We started the label Big Life and put out a record by Society, a spin-off of Dance Society. [U.K. mix duo] Coldcut did a mix of it. The next record we put out was one of the first British hip-hop records, by London Posse.

And that led to a hit for Coldcut, featuring your wife.
[Coldcut’s] Matt Black said to me, “We want to get into this acid-house scene, we’ve got this record called ‘Doctorin’ the House’ and we need a singer.” We did it with Yazz, and nobody would bite. [Eventually] I said to Tim, “We’re going to do this ourselves.”

It was a hit [No. 6 in the U.K. in 1988], and it got Big Life up and running. Then Jonathan Moore from Coldcut came in with “The Only Way Is Up,” a cover of an Otis Clay song, and we made that with Yazz. [Despite a big offer from Roger Ames at PolyGram], I said, “We’re going to have a run at this ourselves; this has got to go to No. 1,” and it did.

So you obviously had a lot of confidence in your own opinion by then?
It’s the only way to be.

What new bands are grabbing your attention right now?
We’ve been getting loads of calls about the Futureheads, a band of ours signed to Fantastic Plastic. They’re co-managed by Scott Baker Marflitt, who was a guy who kept e-mailing me from college in Newcastle wanting a job. I told him to stay up there and put local bands on in pubs, then you become a catalyst for new talent. He sent me stuff down on the Futureheads, and I loved it. They’re a four-part-harmony punk band!

Snow Patrol is going to happen. Polydor thinks they’ve got the next Coldplay there. And we co-manage the Warlocks, signed to Mute via Birdman Records in the U.S., who could be huge.

When you hear something brand-new and unknown like that, are you as enthusiastic now as when you started out?
Yeah. I was interviewed for a book recently, and the guy said, “I met you 25 years ago, and I think you’re more enthusiastic today.” I love music. Music is bigger than it’s ever been, but the industry is still hanging on to what it knows. It’s a bit like the publishers hanging on to sheet music in the ’50s. They’ve got to change.

You are covering a lot of different areas, managing producers and engineers, too.
We’ve got probably the strongest producer roster we’ve ever had. [Recently] Killing Joke was No. 1 on the independent album chart

Futureheads were No. 3 on the independent singles chart, and Andy Gill produced both of them.

What is your opinion of, and involvement with, the NMF?

(Continued on next page)
All That Jazz
Continued from preceding page

The MMF runs a teaching program, and when I can, I sit on this and that panel, and they run them brilliantly.

Very much like sharing any knowledge I can. I'm quite open about it—for instance, our contracts are not long-winded. They last a period of time, then after that, it's three months on either side. I'm on the MMF council now, and they put me (to work) on the Communications Bill. I know that [Gut Music chairman] Guy Holmes and I made a difference. We're there to stand up for artists.

How would you describe your managerial style?

Probably a lot of other people would think pretty heavy-handed. I've been aggressive in my time. I've worked on that, because I don't think that helps.

I've always had a bit of a short temper, but I meditate for an hour every day. I don't take drugs anymore. I don't drink anymore. I don't eat meat. I try to follow a spiritual life. That still doesn't change the fact that if somebody's [screwing] up in a record company, I'm going to tell them.

What have you learned throughout your career?

I have one statement that sums it up, and a lot of people say they've repeated it: "If you get the music right, the money comes." And I have a responsibility to an artist to look after them and teach them the business. Going forward, I see the manager's role as more important than ever. Music is more widespread now than it's ever been, but the whole model of the industry is going to change. There's more and more emphasis on putting artists at the middle. With Web sites, touring and merchandise, there's a whole world we're not tapping into. Innovative managers, coupled with great artists, can change the face of the business.

MMF Roll Of Honour

This year's MMF Roll of Honour Dinner Sept. 17 at London's Park Lane Hilton begins, as always, with a reception and gala dinner, followed by the Roll of Honour ceremony. In addition to the Peter Grant Award, the ceremony includes the presentation of the producer and manager of the year awards, Roll of Honour inductions and other special presentations.

As the list below demonstrates, Jazz Summers joins a distinguished roster of recipients of the Peter Grant Award, named for the late, widely respected and, many say, widely feared former manager of Led Zeppelin.

Previous winners of the Peter Grant Award:

2002 Ian McAndrew and Colin Lester
2001 Chris Morrison
2000 Tony Smith
1999 Rod Smallwood
1998 Ed Bicknell
1997 Gail Colson
1996 Geoff Travis and Jeanette Lee

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Voodoo Music Expands To Three-Day Package

BY SUSANNE AULT

Despite the recent misfortunes of several multi-day festivals, the Voodoo Music Experience is expanding from one to three days for the first time this year.

Held Oct. 31 in City Park, New Orleans, the 5-year-old Voodoo has become a Halloween tradition in the city.

Steve Rehage, owner of Voodoo fest production company Rehage Entertainment, believes that with Halloween falling on a Friday this year, it sets up the perfect weekend-long live music event.

Headliners among the 80-plus acts playing Voodoo 2003 Oct. 31-Nov. 2 include 50 Cent, The White Stripes, Queens of the Stone Age, Marilyn Manson, Godsmack and P.O.D.

Three-day ticket packages are priced at $80 apiece. Individual day passes cost $40 each.

Because attendance has steadily grown since Voodoo’s 1999 launch, Rehage thinks a three-day festival is justified.

His optimism persists even though Bonnaroo Northeast—a fresh edition of jam-band-themed Bonnaroo—was scrapped this summer. Poor ticket sales promptedstretchdrawn down the list of acts, including Rock and Roll Hall of Famer Al Green, and the Doobie Brothers, a group that was once a recurring fixture.

Whatever the reason, the event fails to attract enough high-profile acts to draw a sizable crowd.

Voodoo’s permits are secure because attendance has steadily grown since Voodoo’s 1999 launch. Rehage says.

Although the festival’s 2002 edition was overshadowed by Hurricane Katrina, Rehage says, “we’ve played the three singles now, and the management will always agree to have them play.”

THINK SMALL

Many stations have begun thinking smaller. WBRU has just begun a series of Cheap Dates, featuring developing bands. “The Cheap Dates series is not meant to be all about the bands, but in a lot of senses,” Resler says.

“First of all,” he continues, “it’s not a source of revenue for us, and it’s not something we’re billing as a source of revenue. We do not pay the bands or rent the hall. It is a show put on by [local club] Lupos. They set the price at either $5.95 or $9.55, and the station throws everything we can keep behind. Lupo’s works it on with the booking agent, and we work on it with the record label and bring shows to town. They’re up-and-coming bands that might otherwise play in front of 200 people for $15 or the venue might play in front of 1,200 people for $5.”

Despite the less-than-stellar performance of some shows, it does not look as though they will fade away anytime soon, since they bring in NTR to stations that have become reliant on the additional income. KQRC (the Dom) Omaha, Neb., PD Tim Sheridan says, “Not only do [radio stations] need the NTR, but it also has to work.

Fife agrees, saying, “It’s such a great imaging tool for a station. They’re a pain in the ass, but if you do it right and you’re smart about it, it’s invaluable.”

But Resler says, “I’d like to get out of the business of booking acts. That is not the core business of a radio station. If I wanted to do that, I’d be a promoter, not a radio station programmer.”

Voodoo Music Experience 2002 drew some 80,000 people to New Orleans’ City Park.

www.billboard.com

BY BRAM TEITELMAN
Airplay Monitor

NEW YORK—A sluggish economy and a proliferation of summer touring packages are taking their toll on radio station summer festivals.

Radio shows that have perennially sold out have not fared as well this year, and some stations are opting for more frequent, smaller shows with developing acts.

“There’s too much competition from Ozfest, Lollapalooza, Summer Sani- tarium, the Warped tour and the like,” active rock WQNO Norfolk, Va., PD Harvey Kojan says. “Festivals used to be unique—now they’re a dime a dozen. And many radio stations have been their own worst enemies by booking several shows a year. They just get greedy.”

“A year and a different festi- vals now,” modern rock KPNT (the Point) St. Louis assistant PD/music director Jeff “Woody” File says. “Maybe Lollapalooza was around 10 years ago, and now I Summer Sani- tarium, the Rock the Mic tour, Ozfest or the Warped tour.”

Another sticking point: “Increased band costs equal increased ticket cost,” modern rock WRZX Columbia, S.C., operations manager/PD Dave Stewart says. “I think we’ve hit the price wall for what listeners are willing to pay for these shows.”

Added when the reasons are tal- lied, “they have a major impact” on the radio shows, modern rock WRZX Indianapolis PD Scott Jameson says. “The radio-show model, although still success- ful, is changing models, has, for the most part, run its course.”

The other summer tours have also affected radio by preventing stations from drawing star power because of blackout dates and other limitations placed on the larger tours artists.

“A lot of the bigger bands are already teamed up with another festival, and there’ll be blackout dates, so they’re not available for your show, and stations get stuck with shitter lineups,” File says. “Unless you’re New York or Los Angeles, you have a harder time pulling off that kind of stuff. I can understand not playing three weeks before, but if my show is in July and Ozfest isn’t until the end of August, for example, I’m going to fight for that band.”

Modern rock WBRU Providence, R.I., PD Seth Ressler says it can be a daunting task for programmers. “My issue, since I’ve gotten here, has been bands skipping Providence and playing Boston and then having a radius clause preventing them from coming to Providence. It’s a problem,” Ressler says. “The upcoming Dashboard Con- fessional show is in Lowell, Mass., which is half an hour north of Boston. It’s an hour-and-a-half [trip], plus Boston traf- fic, which it’s going to be another hour, for anyone in Providence to go to that show. However, the radius clause prevents them from coming here.”

END OF THE DEAL

The changes also reflect the shifting dynamics between radio and artist.

“In the old days of radio shows, back in the mid-90s, the artists need- ed us more than we needed them,” Jameson says. “As time went by, they saw stations making vast sums of money from their good will. Now, sta- tions need artists more than artists need stations, and band management and booking agents know it. What started out as primarily an audience promotion has morphed into serious, budgeted nontraditional revenue [NTR] that must be generated annually. When you factor in pricing issues along with available talent and the pressure to post significant profits, some stations have thrown in the towel.”

Kojan adds, “Agents got smart. They discovered how much money stations were making from these shows. Now there are no more deals, excluding baby bands.”

Kojan was successful this year with Lunatic Luau VII, which featured 15 bands—including Korn, Sevendust and Chevelle—and sold nearly 20,000 tickets for a Thursday-night show. “We only do one festival a year, so we haven’t diluted the concept,” he says. “We were lucky because Ozfest and Lollapalooza bypassed the market, meaning less competition. Most importantly, we kept the ticket prices low. While escala- ting artist costs have forced us to establish a three-tiered pricing system [with a top of $29.99], we’ve stubbornly kept lawn tickets at $9.99.”

WRZX took a similar approach, and stations are willing to pay for them. “We know securing the top-level talent would be very tough due to the three national tours on the road this summer. So, we focused on value as the key selling point for this year’s X-Fest,” priced our lawn tick- ets at $10—the lowest-priced lawn tickets since X-Fest ’96—and sold it as ‘10 bands for 19 bucks.’ ”

Jameson always tries to throw in a “good, crazy kind ofant.” Last year, it was porn-star boxing this year’s X-Fest will feature a 107-pound woman attempting to set a world eating record. With many stations having to rely on baby bands, Kojaan says that another- er trick to creating excitement is to concentrate more on the show than the bands.

“Stations that have relied too much on the strength of the bill instead of building a [strong] brand are much more susceptible to slow sales when a true headliner isn’t available,” he says. “We’re at the point where our partners at the radio station are changing. As a result, we’re convinced we would sell a mini- mum of 10,000 tickets no matter what the bill was.”

Moving the party to a smaller hall is also an option. “If you know the show lacks star power, you had better find a smaller venue, or don’t do the show. It’s embarrassing to have a show that sells no tickets, and people go there and the place is empty. I’d rather can- cel the whole show,” File says.

File says KPNT catches its favors from developing bands. “We basically take a rain check and let them know we want them for a show at some point. And if they break, then we’ve got this trim card,” he says. “We’ll say, ‘Remember when you came through before anyone heard you, and we said we would support you? Well, we’ve played the three singles now, and the management will always agree to have them play.’ ”

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http://www.americanradiohistory.com
McCue Joins HOB In Denver

Concert industry veteran Jim McCue has joined House of Blues Concerts as senior VP of talent, based at the company’s Denver office. McCue’s duties will include programming for HOB’s Denver venues, Fiddler’s Green and the Paramount Theatre.

Additionally, McCue will be responsible for overseeing HOB’s booking arrangements with the City of Denver at Red Rocks Amphitheatre and the University of Denver at Magness Arena. McCue will also promote HOB events presented at the Pepsi Center and other venues in Denver and throughout the Rocky Mountain region.

McCue comes to HOB after resigning from the Rose Garden Arena and Rose Quarter complex in Portland, Ore., where he was VP of arena sales and marketing. (On the Road, Billboard, Aug. 2.) The move to HOB reunites McCue with HOB executive VP Alex Hodges, as the pair worked together as booking agents at Cleveland (Oct. 15); Excel Energy Center in St. Paul, Minn. (Oct. 17); Resch Center in Green Bay, Wis. (Oct. 18); Kohl Center in Madison, Wis. (Oct. 20); Allstate Arena in Chicago (Oct. 21); Schottenstein Center in Columbus, Ohio (Oct. 23); Conseco Fieldhouse in Indianapolis (Oct. 25); and Allen County Memorial Coliseum in Fort Wayne, Ind. (Oct. 26). Concerts West is the promoter.

GENERAL TRAVIS: Epic act Travis has confirmed a brief run of U.S. theater dates for October, beginning with a two-night stand (Oct. 21-22) at New York’s Beacon Theatre. Other stops include the 9:30 Club in Washington, D.C. (Oct. 23), the Tower Theatre in Philadelphia (Oct. 24), the Orpheum Theatre in Boston (Oct. 26), the Riviera Theatre in Chicago (Oct. 28) and the State Theatre in Detroit (Oct. 29). Pinna Entertainment books the band.

SWINGING AGAIN: The heart attack country legend John Anderson suffered the hardest-touring singer for the first time in his career, forcing the cancellation of three shows. Anderson experienced chest pains before he was to perform at the Charleston (W.Va.) Sternwheel Regatta Aug. 30 and was taken to the hospital, undergoing an emergency angioplasty. Still, Anderson was to resume his tour schedule Sept. 12 in Seacrest, Ark., and has dates on the books through the end of the year, with some time off in November for hunting season. Anderson is booked and managed by Bobby Roberts of the Bobby Roberts Co.

Maverick Spirit: The reunited Mavericks follow up a September U.S. run with 17 U.K. dates, beginning Oct. 18 at the Guildhall in Portsmouth, England (Billboard, Sept. 13). The tour moves on to Texas and the West Coast after Thanksgiving.

International Creative Management in the late 1980s.

“This is a great opportunity, and I’m really excited to be working again with Alex,” says McCue, who reports to Hodges.

In Denver, McCue joins Jason Miller, senior VP of talent for HOB and Lalena Luba, director of marketing.

“Denver is a very competitive market, but we have a great team here,” McCue says. “The HOB office in Denver has had a great summer, with more than 20 shows at Fiddler’s, more than 20 shows at Red Rocks and a great season pending at the Paramount this fall.”

Farewell, Part B: The Eagles have added a fall North American leg to their Farewell I tour that began last May. Made up primarily of major and Midwestern secondaries, added dates include Air Canada Centre in Toronto (Oct. 9); Mellon Arena in Pittsburgh (Oct. 11); the Palace of Auburn Hills (Mich.) Oct. 14; Gund Arena in Columbus (Oct. 16); The Colosseum at Caesars Palace, Las Vegas (Sept. 19); The Colosseum at Caesars Palace, Las Vegas (Aug. 21).

Celine Dion will be at the Rose Garden Arena in Portland, Ore. (Aug. 21); the Allstate Arena in Rosemont, Ill. (Aug. 22); and the Bank of America Arena in Atlanta (Aug. 23). Celine Dion will be at the Rose Garden Arena in Portland, Ore. (Aug. 21); the Allstate Arena in Rosemont, Ill. (Aug. 22); and the Bank of America Arena in Atlanta (Aug. 23).
Mario Winans Pacts With Big3

‘Yellow Man’ Will Sign, Produce, A&R New Talent

Producer/songwriter Mario “Yellow Man” Winans has signed a joint venture imprint agreement with Big3 Records.

Under the terms of the pact, Winans will sign, write for and produce new talent for Yellow City/Big3 Records. He will also provide A&R for Big3’s artist roster, which includes Improtm2, Primaey Col- orz and Cheap Trick.

Winans will continue as a member of Sean “P. Diddy” Combs’ writing/production collective the Hittmen. St. Petersburg, Fla.-based Big3 is headed by chairman Bill Edwards and CEO Qadree El-Amin.

O’Jays. The anniversary special will be taped Sept. 12-13 at Los Angeles’ Kodak Theatre to be aired in January 2004.

Ravls, who has hosted the telephone each year, notes that it has subsidized 54,000 students to the tune of more than $250 million during the past 24 years. “It was a way of giving something back,” he says of his UN commitment. “I knock on everyone’s door to thank them for buying my records. But kids going to school and helping their communities is another way to do that.”

After some 70 albums, the Chicago singer is back with a new label—Savoy Jazz—and a new album, “Rawls Sings Sinatra.”

In addition to operating his own label, Rawls and Brokaw Records, he hopes to record an album of Sam Cooke songs “for a new generation” (the sang back-up on some Cooke records), as well as an album of original material. “It’s been a couple of years since my last album,” Rawls says. “It felt good to be in the studio. I’ve always wanted to do this, respecting Frank’s work as he did mine.”

ClARIFICATION: S-Curve Records (Rhythm & Blues, Billboard, Sept. 13) is wholly owned by president Steve Greenberg and distributed by EMI Music North America.

Benson Touches On Two Coasts

BY GAIL MITCHELL

Opening act for Raphael Saadiq, Musiq and Brian McKnight. A video with hot fashion model Tyson Beckford. Host of a BET series debuting in November.

Those credits are part of the impressive résumé being compiled by R&B newcomer Rhian Benson (pronounced “Ree-Ahn”). They’re also the latest steps in a carefully orchestrated marketing campaign launched 18 months ago on behalf of Benson’s DRG Music debut, “Cold Coast.” It is due in stores Oct. 7.

“You can’t depend on any one outlet for success,” DRG Music co-founder and CEO China Danforth says. “You’ll have problems before you get there. You need to come to radio with a strong following. Our focus is on quality music; building a real grassroots following through touring and playing live. That’s what we want to do with all the artists we sign. They have to be able to connect with the audience. You need to come with the music first.”

The strategy appears to be working. Benson’s first single, “Say How You Feel,” is No. 13 on the Airplay Monitor Adult R&B chart. The song first caught the ear of WHUR Washington, D.C., PD Dave Dickinson by way of an EP the label began selling at Benson’s various performances. The tune later climbed to No. 1 at the station. It was among the extensive repertoire of self-penned songs the Ghana-born singer/musician drew from when she began performing in January 2002 at small venues like Los Angeles’ Cantor’s Deli.

The ensuing groundswell led to gigs at the crosstown Temple Bar; in September, the label put together a sampler CD from her demos and sent it to clubs nationally. A tour that month of 20 cities (including Great Barrington, Mass.) spawned a January 2003 gig at the House of Blues, opening for Saadiq. The venue’s touring director, Kevin Morris, signed on as Benson’s manager. Then the EP came along in March, recently followed by 2-year-old DRG’s distribution deal through WEA in a joint venture with Top sail Productions.

Benson’s “I Take My Cue from African People”

“Ree-Ahn” has signed on as a label/keyboardist whose flavorful, percussive-prolific music has won her critical kudos from when she began performing in January 2002 at small venues like Los Angeles’ Cantor’s Deli.

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Discovered in London performing at an open-mic session, Benson is a guitar/keyboardist who was also signed as Benson’s manager. Then the EP came along in March, recently followed by 2-year-old DRG’s distribution deal through WEA in a joint venture with Top sail Productions.

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Benson’s “I Take My Cue from African People”
**Music R&B/Hip-Hop**

**Return Of The Boo-Yaa T.R.I.B.E.**


The CD features production by Battle Cat (Snoop Dogg, Ice Cube) and collaborations with B Real of Cypress Hill, WC, Kokane, MC, Short Klop, Kurupt, Mack 10 (on the lead single, “Bang On!”) and Eminem (on the track “911”).

Group member Vincent “Gavetti” Devous says he and his brothers endured some difficult times recently but maintained a presence on the international music scene.

“We were still touring in Europe and Japan,” he says. “Those were the only places keeping us alive in music. In America it was hard because times changed and music changed.”

Gavetti says the group went through the usual trials and tribulations of an act attempting to rebound, including trying to release its music independently. It also had problems with managers who, he says, “took everything away from us.”

“West Kosta Nostra” was to be true to itself. “With this album we just want to be real,” he says. “A lot of people in the music business have gone corporate. It’s not like in the old days when you could just call up a radio station and say, ‘Hey, can I get this song dedicated?’ and they play it right then. Now you got to be on a certain rotation, money’s got to be paid.”

“There’s good music out there that will never be heard, and a lot of people sleep on that,” he says. “Our group is one of them. You can ask any group in the world, ‘What do you think about Boo-Yaa?’ and they’d say something positive. Even though they know we’re gangstas and we’re O.G.’s, they look at it as a positive thing. We’re not out there trying to scare the world. We’re out here trying to bring good music.”

“West Kosta Nostra” is the fifth album released by the collective, following “New Funky Nation” (4th & Broadway Records) in 1999, “Doomsday” (Bullet Proof Records) and “Occupation Hazardous” (First Kut) in 1995 and “Hula Lifestyle” on its own Sooma Mafia label in 2000.

**MIKEL PLANET:** The Mic Planet Sessions is a collection of rap songs that executive producer Israel “Iz Real” Vasquezette describes as a “who’s who of quality hip-hop.” The CD features Kool Keith, MF Doom, Mystic and Bahamadia, as well as appearances by fellow rappers and underground artists. Released by Insomniac Music and distributed by Ryko/WEA, the CD is due Sept. 23.

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**BOO-YAA T.R.I.B.E.: AMERICA WAS HARD**

“We started from ground zero, and we keep starting over,” Gavetti continues. “We stayed in the music, but at the same time we had problems in the neighborhood.” Among those problems were the arrests of several of the brothers.

“I just thank God that we all came back together to do this once again,” Gavetti says. “Everyone’s out of jail, everyone came back.”

Gavetti says that despite their challenges, their family bond kept them going, “As you go along, sometimes you do (get discouraged), but that’s what’s good about having family in the music business,” he says. “If one brother falls, the other is going to pick him up; each brother came and picked up the other, and the magic just came back again.”

Describing “West Kosta Nostra” as “a balance of everything that people go through in their lives,” Gavetti says this project is special to him and his brothers. “Out of all the albums we did, I love this album, because the brothers put their hearts and souls into it. It was just good being together every day and collaborating with other artists that have been at the top.”

Gavetti says the group’s goal on
Latin Grammys: Who Else Won

Overall, the dominant advertiser of the evening was Procter & Gamble, with seven spots for Clairol, Cover Girl and Crest, followed by DaimlerChrysler and Sears. The most advertised brands were Dr Pepper and Heineken, with four spots each, and Bud Light and Verizon Wireless, with three each.

The most advertised products were beer and personal care and cosmetics products. While the advertising seems to suggest that Latin viewers can drink and drive, they apparently can’t save.

There wasn’t a single financial advertiser and only one technology and one drug advertiser during the show.

The tendency toward English was reflected during the show, where winners were encouraged to give at least part of their acceptance speeches in English.

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Changes: A trickle of layoffs has been reported at BMG U.S. Latin and Warner Music Latin America. Sources confirm that two sales staffers will go at BMG, while at Warner, three positions were eliminated. Of those, one was reassigned within the company. The most senior among those let go was Carlos Tabalol, former director of strategic marketing for Warner Music Latin America.

The track was included on the recently released Latin Alternative Music Conference compilation album.

Latinos in the Entertainment Industry

BKT LIMO another winner at the Latin Grammys

Miami, FL—Undoubtedly, BKT LIMO shines the competition during The Latin Grammys in Miami. Among the best performers, BKT LIMO takes the occasion.

Recently finishing a National Tour with CMN providing the best to the best, for the Ricardo Arjona’s Santo Pecado 2003 U.S. Tour in more than five major cities including New York, Los Angeles, Miami, etc.

BKT LIMO personnel are able to demonstrate the other side of their excellent business service by coordinating the dispatch of all the limousines for the “Latin Grammy Celebration Party” hosted at the Loews Hotel on Miami Beach. Now, BKT LIMO has successfully completed the crossover, providing premium, luxury to the entertainment industry as well.

With a mesmerizing fleet of vehicles, BKT LIMO distances itself from the pack.

Harmony is achieved through coordination between technology and old fashion know how, to provide the services needed. You may contact the event department at (305) 858-LIMO (5466) or Toll Free (888) 858-9986. Open 24/7/365.

www.billboard.com
Miami’s Grammys

Latin musicians and executives from around the globe converged in Miami for the fourth annual Latin Grammy Awards. The event took place Sept. 3 at the American Airlines Arena and was broadcast live on CBS and worldwide to more than 100 countries. Highlights included a tribute to Celia Cruz and the comic hosting of George Lopez. Behind the scenes, the Latin Grammys were bolstered by creative sponsorships, fundraising for worthy causes and plenty of after-show parties.

After the awards show, EMI hosted a reception and show at Bongos Cuban Cafe featuring Obie Bermúdez (whose single “Antes” is No. 1 on the Billboard Hot Latin Tracks chart) and Spanish rocker Enrique Bunbury. Pictured, from left, are Marco Bisai, president/CEO of EMI Music Latin America; David Munns, chairman of EMI Music North America; Latin Grammy nominee Thalia; Alain Levy, chairman of EMI Music Worldwide; EMI artist Carlos Vives; Bermúdez; and Jorge Pino, president/CEO of EMI Music US Latin.

Spanish artists, supported by Spain’s Society of Authors and Publishers (SGAE), came in force to the Latin Grammys. Pictured at SGAE’s nominee luncheon, from left, are award nominees David Bisbal, Pepe de Lucia, Alex Ubago and Pau Dones of rock band Jarabe de Palo.

At the Universal Music after-party, from left, are Jesus López, chairman of Universal Music Latin America and the Iberian Peninsula; Micky Huidobro of nominated band Molotov; Zach Horowitz, president/COO of Universal Music Group; multiple Latin Grammy winner Gustavo Santanetalla, president and founder of Surco Records; and Randy Ebright and Tito Fuentes of Molotov.

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Multiple Latin Grammy winner Juanes is flanked by chairman of the Latin Academy of Recording Arts and Sciences board of trustees Manolo Diaz, left, and LARAS president Gabriel Abaroa.

Latin Grammy winner Millie Quezada sports a green crystal ribbon designed by fashion designer Narciso Rodriguez. The ribbons are part of Heiniken’s Green Ribbon Initiative, which pledged to make a donation to the Celia Cruz Foundation for every Latin Grammy attendee who wore one to the awards.

Eduardo Bautista, left, executive president of SGAE, is pictured with Dania Dvora, producer of “Historia del Soldado,” which won the Latin Grammy for best classical music album.

Spain meets Mexico as Spanish divas Ana Torroja, left, and Rosario, right, flank Mexican “prince of song” Jose Jose.

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Pictured at the BMG after-party are Lionel Richie, left, and award nominee/performer Alexandre Pires.

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Eduardo Bautista, left, executive president of SGAE, is pictured with Dania Dvora, producer of “Historia del Soldado,” which won the Latin Grammy for best classical music album.

The Latin Grammy’s person of the year, Gilberto Gil, right, receives a $55,000 check from M.A.C Cosmetics president John Dempsey during the person of the year dinner Sept. 2. The check will go to AIDS charities in Brazil, Mexico and the U.S.

M-A-C AIDS FUND

The Latin Grammy’s person of the year, Gilberto Gil, right, receives a $55,000 check from M.A.C Cosmetics president John Dempsey during the person of the year dinner Sept. 2. The check will go to AIDS charities in Brazil, Mexico and the U.S.

M-A-C AIDS FUND
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**Latin Pop Albums**

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<td>CELIA CRUZ</td>
<td>Soy de Buenos Aires</td>
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<td>CHAYANNE</td>
<td>2003 Latin Grammy Nominees</td>
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**Tropical Albums**

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**Notes:**

- **NUMBER 1 / GREATEST GAINER:**
- **HOT SHOT DEBUT:**
- **PACESETTER:**
- **LATIN POP ALBUMS:**
- **TROPICAL ALBUMS:**
- **REGIONAL MEXICAN ALBUMS:**

---

**Additional Information:**

- **Certifications:**
- **Last Year:**
- **This Year:**
- **Previous Year:**
- **Last Week:**
- **This Week:**
- **Previous Week:**
- **Sales Data: Nielsen SoundScan**
- **Week Ending:** September 20, 2003

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**Billboard**

www.billboard.com
**HOT LATIN TRACKS**

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**Tropical Airplay**

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**Regional Mexican Airplay**

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After U.K. Hit, Is The U.S. ‘Ready For Love?’

BY MICHAEL PAOLETTA and LARS BRANDLE

It took almost three decades for the U.K. to be ready for Elton John’s “Are You Ready for Love.”

Now, the question remains: Is the U.S. ready, too?

The 26-year-old John recording, produced by Thom Bell, has won major support from British club culture. It topped the Official U.K. Singles Chart the week of Sept. 1. It also topped the U.K. Radio Airplay Chart with 2,307 plays.

The disco-infused track—released in the U.K. on DJ/producer Norman “Fatsby Slim” Cook’s independent label, Southern Fried—should arrive Sept. 5 in the U.S. on the partnership of Universal Records and Derek MacKillop, creative director of London-based Twenty First Artists, which oversees John’s career.

“I am ecstatic that the dance community has discovered this [song] for themselves,” John says.

“Are You Ready for Love” was cut, along with five other tracks, at Kay/Smith Studios in Seattle and Sigma Sound Studios in Philadelphia in 1977. (One year earlier, John’s Phil-Veloo collaboration with Kiki Dee, “Don’t Go Breaking My Heart,” reached the summit of The Billboard Hot 100.)

The six tracks—“Are You Ready for Love,” “Mama Can’t Buy You Love,” “Three Wise Love,” “Nice and Slow,” “Country Love Song” and “Shine On Through”—comprised “The Complete Thom Bell Session.” Released in 1979, the collection peaked at No. 51 on The Billboard 200.

The same year, “Mama Can’t Buy You Love” peaked at No. 9 on the Hot 100, while an Elton John and Clive Franks “remix” of “Are You Ready for Love” peaked at No. 42 in the U.K.

And that was the end of “Are You Ready for Love.” That is, until a handful of British club DJs, including Justin Robertson in Manchester, began playing the electronic track decades ago.

“It became this very end-of-the-night-type track,” MacKillop says.

At this point, Nathan Thurston, director of A&R at Southern Fried, approached MacKillop and Todd Interland (John’s manager at Twenty First Artists) about the possibility of Southern Fried releasing the track. With Twenty First Artists’ help, Southern Fried licensed the track from Mercury/Universal.

Thurston says that everybody involved saw it as a great opportunity to give Elton “a bit of cool dance credibility.” Additionally, he says, if it resulted in a hit, John’s recently issued “Greatest Hits 1970-2002” could be repackaged with this newly discovered gem. Mercury U.K., has since added the track to the collection, which it released Sept. 1.

Thus far, the set has accumulated a “pretty good response” from record buyers, observers Rob Campkin, head of rock and pop for British retailer HMV.

The album has re-entered the official U.K. Albums Chart at No. 6.

Campkin adds that limited-edition pink 12-inch vinyl singles of “Are You Ready for Love” were a big hit. They have already given the song first happened in the clubs, Twenty First Artists suggested the song to Sky.

“Sky was smart,” MacKillop says. “The song first happened in the clubs, then broke into the mainstream via DJ plays.”

A Cloud representative close to the soccer campaign says they wanted a good, popular track for the campaign.

The ad, which Elton appears in, began airing two months ago on both network and cable TV. So, MacKillop adds, “while the mainstream was hearing the song on TV, the kids were dancing it in the clubs of the U.K.”

According to management, John donated all his proceeds from the ad to the Watford Football Club, of which he is the honorary life president and a former chairman.

While it is too early to tell if U.S. consumers will embrace the track like their British counterparts, Ultra’s Money is hopeful.

“We’re delivering the song to dance and top 40 stations, as well as Elton’s traditional format, AC,” Money explains. “I’m also meeting with VH1, MTV and Fuse about playing the video.”

David says it has been a strategy being put in place to maximize the song’s potential in North America.

The song’s U.K. success “happened naturally and organically—and Elton likes that,” says Derek MacKillop, “I’m definitely not playing around with the current Elton songs, this was simply a moment.”

The main reason Radio One embraced the track, Jones-Donnelly says, was its strong foundation in the clubs. “It has a great hook—it’s a really euphoric moment for the summer. And we’re getting the right reaction from the audience.”

The commercial success of the track in the U.K. has been aided by its inclusion in a TV ad for Sky Sports.

MacKillop says subscription TV service Sky wanted to use one of John’s songs for the upcoming soccer season. Because “Are You Ready for Love” was happening in the clubs, Twenty First Artists suggested the song to Sky.

“Sky was smart,” MacKillop says. “The song first happened in the clubs, then broke into the mainstream via DJ plays.”

The limited-edition release of “C Is For Cookie” by Cookie Monster & The Girls is yours for the purchasing.

D) Food’s edit of “Pinball Number Countdown” by Nolan Chart—the original of which was never released—includes original backing vocals by the Pointer Sisters.

RUBBERNECKIN’ RERUN: In the Sept. 6 issue, we mentioned Paul Oakenfold’s remix of Elvis Presley’s “Rubberneckin.” While Oakefold’s versions were released Sept. 9, RCA has just approved mixes by Jason Nevins, which should be in stores soon.

UPDATE: Donna Summer’s “You’re So Beautiful” (Beat Box, Billboard, Sept. 13) is one of three new songs on “The Journey: The Very Best of Donna Summer,” due Sept. 30 from UTV/Mercury/UME.

The artist’s autobiography, Sporad-}
**September 20, 2003**

**HOT DANCE MUSIC**

**Club Play**

**Title** | **Artist**
---|---
42 | **42**
4 | 4
3 | 3
2 | **2 MY LIFE** (REMIXES) | D'Angelo Featuring Crystal Waters
1 | **1 MY TIME** (REMIXES) | D'Angelo Featuring Crystal Waters

**Dance Singles Sales**

**Title** | **Artist**
---|---
**1 HOT DANCE ELECTRONIC ALBUMS** | **1 HOLLWOOD (REMIXES)** | Madonna
2 | **2 LOUIE DEVITO** | Lorie Devito
3 | **3 THE PRINCE OF POP** | Culture+Tangram
4 | **4 IF YOU WANT IT** | The Happy Boys
5 | **5 LOUIE DEVITO** | Lorie Devito
6 | **6 PREJUSE 73** | The Happy Boys
7 | **7 DEBORAH COX** | Deborah Cox
8 | **8 MARK ESSON** | The Happy Boys
9 | **9 WAYNE BRADY** | Bizzness
10 | **10 DEBOORAH COX** | Deborah Cox

**Club Play**

**Title** | **Artist**
---|---
**THE ONLY THING MISSING (REMIXES)** | Aetna Franklin
**ROCKET MAN** | Daphne Rubin-Vega
**THE WEEKEND** | Daphne Rubin-Vega
**KENTE'S GONNA BE** | Shalaeon
**ALL IN MY HEAD** | Seattle Sound

**Dance Singles Sales**

**Title** | **Artist**
---|---
**THIS IS MY HOUSE (REMIXES)** | Aetna Franklin
**THE ONLY THING MISSING (REMIXES)** | Aetna Franklin

**News**

- **Hot Shot Debuts**
  - **1 FUTURE FUNK** | Seth Lawrence
  - **2 YOU PROMISED ME** | In-Grid
  - **3 ALL I WANT** | Ludacris
  - **4 BRINGIN' ON THE HEARTBREAK (REMIXES)** | P. Diddy Featuring Fat Joe
  - **5 IM FEELIN' HIGH (REMIXES)** | Whorizon
  - **6 BRASS IN POCKET** | Ultimate Ultra

- **Power Pick**
  - **1 LE LO LADY** | The Latin Project
  - **2 PAVEMENT CRACKS (REMIXES)** | Liva Perra
  - **3 I WANT YOU (PABLO FLORES REMIX)** | Thalia Featuring Fat Joe
  - **4 IM FEELIN' HIGH (REMIXES)** | Whorizon
  - **5 MOVE YOUR FEET (DANCE WITH ME REMIXES)** | Junior Senior

- **Hottest Breakouts**
  - **1 THE ONLY THING MISSING (REMIXES)** | Aetna Franklin
  - **ROCKET MAN** | Daphne Rubin-Vega
  - **THE WEEKEND** | Daphne Rubin-Vega
  - **KENTE'S GONNA BE** | Shalaeon
  - **ALL IN MY HEAD** | Seattle Sound

- **Nielsen SoundScan**
  - **HOT DANCE ELECTRONIC ALBUMS**
  - **HOT DANCE MUSIC**

- **Hot Dances Sales**
  - **This Is My House (Remixes)** | Aetna Franklin
  - **The Only Thing Missing (Remixes)** | Aetna Franklin

- **Breakouts**
  - **The Only Thing Missing (Remixes)** | Aetna Franklin

- **Additional To Music**
  - **ATM**
  - **KUMBIA KINGS**

- **The Streets Corporation (LXX)**

- **The Happiest Man In Babylon**

- **DANCE SINGLES SALES**

- **Club Play**

- **Dance Singles Sales**

- **September 20, 2003**

- **Nielsen SoundScan**

- **www.americanradiohistory.com**

**BILLBOARD SEPTEMBER 20, 2003**
Navarre Turns 20
'Ready To Swim' In Turbulent Waters

BY CHRIS MORRIS

Speaking on the vicissitudes of the home entertainment business in 2003, Navarre Corp. chairman/CEO Eric Paulson makes a remark that sounds like a personal credo.

"I think turbulent waters present tremendous opportunity—if you're ready to swim," he says. "You've just got to dive in."

During Navarre's two-decade history, Paulson has always dived in head-first.

After stints at National Tape Distributors, Transcontinental Music and Pickwick, Paulson founded his New Hope, Minn.-based company in 1983 as a regionally based music distributor.

Today, as it marks its 20th anniversary, Navarre is one of the top U.S. distributors of computer software and a respected leader among national music distribution firms. The company has recently moved more deeply into the areas of personal productivity software, videogames and DVDs.

In its most recent fiscal year, which ended March 31, NASDAQ-traded Navarre posted net sales of nearly $360 million and a gross profit of $45 million. Net sales for its software division, Navarre Distributed Services (NDS), rose 16.2%, to $300.8 million, while net sales for the music division, Navarre Entertainment Media (NEM), climbed 22%, to $55.1 million.

Paulson notes, "I have seen technology drive our product lines together, which was one of the things we had hoped for and which was one of the original strategies in the original business plan back in 1983. We believed that technology would converge the computer industry and the music industry. And as it happened, we could cross-pollinate our supply side with our suppliers—they would handle more than one product—and our customers would certainly acquire and merchandise more than one product.

"Whether that was a great strategy or a lucky guess is kind of irrelevant," he adds. "The fact is, that's what's happened, and that has been the biggest change in the business. It has allowed us to take our expertise and move it into various retail channels with various product lines."

Clint Morrison, who follows Navarre as senior analyst at the Piper Jaffray brokerage firm in Minneapolis, likes what he sees in the company.

"They're maintaining quarterly profitability in what's obviously a very seasonal business," Morrison says. "In a bad time, they're still making money.

"I like the fact that they're moving away from being a pure distribution company, becoming less reliant on music and concentrating on doing more exclusive licensing, owning product and moving more into the software and videogame area," he continues. "From a pure business standpoint, they've got a very well-run distribution system. They have the ability to run a whole lot more product through that, which they're starting to do."

DIVERSIFYING IN SOFTWARE

Paulson says, "I think our company over the next few years can grow very significantly. We're focusing our growth in videogames and software. In software, we own the entertainment segment. But you know what? We only have a small percentage of market share in personal finance, personal productivity software. And quite frankly, that's the biggest portion of the business.

"Today, we're a Microsoft distributor, a McMee distributor, an Adobe distributor. All those huge lines have been added to Navarre's arsenal within the last two years.

"As we begin to get traction and gain market share in the personal reference, personal finance and personal productivity side of the business—which is frankly the largest side of the software business—it presents tremendous opportunity for growth for our company over the next three or four years," he says.

Spreading the company's software offerings has become a major imperative.

Morrison says, "On the software side, they're very heavily in PC entertainment, and I think they're diversifying nicely and bringing in more of the business productivity product."

In addition to Microsoft and Adobe, Navarre has also established relationships with Symantec, Roxio, Network Associates and 321 Studios, NDS senior VP/GM Brian Burke says.

"We've shifted our focus a little bit. We maintain our market share in entertainment. We distribute about 85% to 90% of the entertainment products going into retail," Burke says. "But we've added a lot of

(Continued on page N-14)
Celebrating 20 Years of Commitment
to Our Employees, Customers & Suppliers

We've built our success on offering a broad range of services
to all of our business partners

State-of-the-Art Logistics and Operational Services
Marketing and Creative
Manufacturing
National Sales and Customer Service

Thanks for being a part of our history and our future!

NAVARR
C O R P O R A T I O N

7400 49th Avenue North • New Hope, MN 55428 • www.navarre.com
You have seen us move in that direction with the acquisition of Encore Software in 2002. There are other things we have done that we haven’t yet announced, including purchasing some catalogs of recording artists.

You will continue to see us move into the growth area of independent distribution. As an industry, we are becoming proactive, and within the next 18 to 24 months we’re going to have all of this digital confusion solved to a certain extent.

Currently, investing in the distribution of independent labels is a great place to be putting your money. And we have publicly stated that we are looking to consolidate independent distribution in the United States, and we are hard at work on that.

We have told the market that we’re going to grow organically from 5% to 10%, and 14% to 23% organically from a net-income standpoint.

The real growth in this business, however, is going to come from acquisitions. And it will be focused in the area of independent music distribution, because for independent distribution to be successful in the future, we’ve got to grow our economies of scale.

We’ve got to develop critical mass, and I don’t think any of us doing $50 million-$100 million is critical mass.

You’ve got to be doing $200 million-$300 million in independent distribution to have critical mass.

When will Navarre reach that point?

In five years, we will certainly be at critical mass in independent distribution with music and video. We’ll own a percentage of the content we distribute, both in music and video and in videogames and software.

We will continue to build Encore, and we’re going to build our DVD catalog, both music video and feature-length videos, and we’re going to be doing $50 million-$100 million in acquisitions each year.

We will be an entertainment publisher and distributor on a global basis within the next five years. We’re already in Canada and 14 different countries with Encore. So, in essence, we’re a global company now.

Why is owning content so important?

It allows you to better participate in the digital side of the business. The business is going to be multi-faceted. Digital products and physical products are going to live in harmony and will co-promote each other.

From a physical standpoint, you will find an array of configurations and price points that meet the needs of the consumer—which we got away from.

Today, we meet a single consumer need—the high-price point full-length album. On the digital side of the business, you’re already starting to see a multitude of configurations and price points. You’ve got a guy out there at 49-cent digital downloads, you’ve got 99-cent digital downloads, you’ve got subscription agreements, you’ve got albums you can buy from $10 to $19. The digital world is providing an array of choices for the consumer.

I’m very bullish on our industry. I think it’s a great place to be putting your money and building your business. I want to participate in all facets of our business.

We have the digital-distribution rights of most of our labels we distribute. We have it on a nonexclusive basis, but today we’ve licensed to Pressplay, to Liquid Audio. We’re one of the people that attended and are working with Apple right now, although we haven’t licensed anything to them yet.

We’re going to be out this fall with a direct-to-consumer campaign on a product we’re designing for both direct-to-consumer and for retail. We’re going to co-promote it through direct-to-consumer advertising—ordering through an 800-number or Web site—or through traditional retail, where you can walk into any retail store in the country and buy it.

Is Navarre gaining the exposure you want on Wall Street?

We have retail coverage from Piper Jaffray, but it’s very difficult in today’s environment when you’re a microcap stock to get the attention of analysts. The vast majority of microcap stocks have no coverage at all.

(Continued on page N-10)
Employees, Technology Backbone Of Good Business

BY MATTHEW BENZ

How does Navarre stay on top of all the independent labels it distributes through its Navarre Entertainment Media (NEM) division, as well as the major-label music, video and software it handles through Navarre Distribution Services (NDS)?

Quite simply: with 373 employees.

But that’s not an excessive head count for the volume of Navarre’s business. Indeed, chairman/CEO Eric Paulson runs a tight ship. And Navarre’s revenue-to-employee ratio is a statistic of which he is eminently proud. With sales in the fiscal year (which ended March 31) of $359.4 million, it works out to $963,800 per staffer.

“That includes Encore,” Paulson is quick to add. Excluding the 52 people who work at the Gardenia, Calif., software firm Navarre acquired last year, the ratio jumps to $1.12 million per employee.

Executives at Navarre and at the independent labels it distributes say Navarre can run lean because its people are well-deployed and experienced, and the distribution system it has built makes good use of technology.

In addition, label executives value Navarre for the fact that it has maintained financial stability through a rocky period for the entire music industry, particularly the independent-distribution sector.

“As an independent, I can’t worry about anyone going out of business on me,” says Mike Catain, CEO of Liquid Records and Entertainment, which NEM distributes.

Being headquartered in New Hope, Minn., also helps. “You’re able to straddle the coasts,” says Jim Colson, NEM VP of business affairs. “Minneapolis-St. Paul International Airport is 22 miles away, and most of the country is no more than a three hour plane ride from there.”

Colson is based in Southern California. He joined in early 2002 from now-defunct indie distributor DNA, where he had been VP/GM.

Colson says that being in the Minneapolis area has also helped foster good relationships with the major retailers, most notably Best Buy and Target, who are based there.

For the sake of efficiency, NEM senior VP/GM Steve Pritchitt does not have a national sales head. Instead, Ed Navarre handles West Coast sales, while Vyto Lazauskas oversees the East Coast. All field staffers have high-speed Internet connections.

“This is a big country,” says Pritchitt, a U.K. native who assumed his post in 2001, when Navarre divided itself into NEM and NDS.

“I take a lot of heat from Billboard for always restructuring,” Paulson adds. “But you know what? If you’re not restructuring, you’re the same old company you were before.”

Paulson says he revamped to offer labels a broader range of services.

“That includes helping them finance their businesses. It includes hooking them into our system so that they become our partners and they can see what’s being sold, who it’s being sold to and what’s coming back. It includes allowing them access to our [Nielsen] VideoScan and our SoundScan information.”

“Navarre’s specialty is the value-added,” says Brian Burke, senior VP/GM of NDS, which distributes major-label music, along with video, software and videogames. He cites the holiday promotions NDS helps mount and its ability to manage inventories on behalf of accounts.

“The big challenge is that our software and DVD business is growing so much,” Burke says. “It’s a double-edged sword, because people are reducing their music inventory to make way for DVD.”

That, coupled with the downturn in music sales, means that audio products, which five or 10 years ago would have accounted for around 30% of NDS sales, today comprise 20%.

Adding new labels became a priority when Pritchitt assumed his current job at NEM, he says, because its lineup was dominated for a long time by American Gramaphone.

“It’s better to have my hand held and be kissed at the end of the night, so to speak, and they do that for me.”

—MIKE CATAIN, LIQUID 8 RECORDS AND ENTERTAINMENT

Navarre At A Glance: Three Divisions, 373 Workers

Navarre Corp.
7400 49th Ave. N.
New Hope, Minn. 55428
Phone: 763-535-8333
Fax: 763-533-2156
Web site: navarre.com

Founded: 1983

Divisions: Navarre Distribution Services, Navarre Entertainment Media, Encore Software

Executives:
Eric Paulson, chairman/CEO
Charles E. Cheney, vice chairman
Jim Gilbertson, VP/COO
Brian Burke, senior VP/GM, Navarre Distribution Services
Steve Pritchitt, senior VP/GM, Navarre Entertainment Media
Michael Bell, CEO, Encore Software

Employees: 373

Navarre Corp., 7400 49th Ave. N.
New Hope, Minn. 55428
Phone: 763-535-8333
Fax: 763-533-2156
Web site: navarre.com

Fiscal year: April 1–March 31

Fiscal 2003 sales and earnings: $359.38 million; $4.32 million, or 20 cents per share

Stock symbol: NAVR (Nasdaq National Market)

Shares outstanding: 21.62 million

Share price: $2.28**

Market capitalization: $49.3 million**

52-week high/low: $2.79/$.97**

Sources: Navarre.com, U.S. Securities and Exchange Commission filings

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Kenny Rogers
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A Who's Who Of The Navarre Organization

Eric Paulson
Chairman/CEO
The founder of Navarre, Eric Paulson has been chairman/CEO since its inception in 1983. Throughout his time in this role, he has served as director, including during the Live Entertainment acquisition in 1990. Prior to founding Navarre, he was senior VP/COO of Pickwick Distribution Company, a distributor of records and tapes.

Charles E. Cheney
Vice chairman
Charles Cheney, a director since 1991, became vice chairman in 1999. Prior to joining Navarre, he was employed by Control Data Corp. in various financial capacities, including controller of Control Data Commerce International. He is also a certified public accountant.

Jim Gilbertson
VP/CFO
Since 2001, Jim Gilbertson has been VP/CFO. Before joining Navarre, he held positions of co-president, COO and CFO at Intelefilm, formerly Children's Broadcasting Corp. Prior to that, he served as CFO for Parker Communications in Minneapolis.

Brian Burke
Navarre Distribution Services senior VP/GM
Brian Burke has been senior VP/GM of Navarre Distribution Services since 2001. Previously, he served as VP/GM of the company's Computer Products Division, at which he held a series of positions of increasing responsibility since joining the company in 1995. Before Navarre, Burke held various marketing, sales and account manager positions with Imtron and Blue Cross/Blue Shield of Minnesota.

Kathleen Conlin
VP, corporate controller
Since 1995, Kathleen Conlin has been VP, corporate controller. She has served in a series of positions of increasing responsibility since joining the company in 1984.

Joyce Fleck
VP of marketing
Joyce Fleck has been VP of marketing since 2000. She has also served as director of marketing since she joined the company in 1999. Prior to Navarre, she held divisional marketing and merchandising positions in the Musicland Group (1986 to 1997) and senior buying positions at Groove Biz International (1997 to 1999).

Margot McManus
VP of human resources
Margot McManus has been VP of human resources since 2000. She has also served as director of human resources since joining the company in 1995, bringing with her 15 years of human resources and business experience. Prior to joining Navarre, she served as director of human resources for Access Management, a technology company and director of human resources and training for Conpale Restaurant Corp.

John Turner
Senior VP of operations
Since 1995, John Turner has been VP of operations. Previously, he was senior director of distribution for Noulic Track in Chaska, Minn. (1993 to 1995). Prior to that, he held various positions in logistics in the U.S. and the U.K.

Michael Bell
Encore CEO
Michael Bell has been Encore CEO since co-founding it in 1994. He retained this title even after Encore became a majority-owned subsidiary of Navarre in 2002. Bell has held positions with NEC and Paramount. He built Paramount Interactive and the successful CD-ROM launches of Richard Scarry stories and “Star Trek: Deep Space Nine.”

Steve Pritchitt
Navarre Entertainment Media senior VP/GM
Steve Pritchitt has been senior VP/GM of Navarre Entertainment Media since 2001. He came to the company from eSplice, where he had served as VP of content acquisition. His career has included roles in international marketing, sales, product management and publishing with several major labels such as Atlantic Records, PolyGram Records, CBS Records International and CBS Records UK.

James Colson
Navarre Entertainment Media VP of business affairs
In 2001, James Colson joined the company as VP of business affairs for Navarre Entertainment Media. Before Navarre, he was GM of Valley Media Inc.’s profitable independent music distribution division, DNA (1997 to 2001). From 1999 to 2001, he also assumed the title of VP of independent distribution for Valley Media. He was that company’s controller from 1995 to 1997. Prior to joining Valley Media, Colson held senior finance and accounting management positions with a number of companies in the retail, service and nonprofit industries. He is also a certified public accountant.

Cary Deacon
Corporate relations officer
Cary Deacon has been corporate relations officer since 2002. Prior to joining Navarre, he served as president/COO of SkyMall Inc. and as president of ValueVision International.

Source: Navarre.com
LIQUID RECORDS & ENTERTAINMENT

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www.liquid8records.com

GOSPEL LEGENDS

www.americanradiohistory.com
Navarre is a leading distributor of propriety and non-propriety home entertainment PC software, music and DVDs. Customers include national and regional retailers—mass merchants, specialty stores, wholesalers and e-tailers. Its business-to-business Web site, navarre.com, provides product fulfillment to both traditional and online retailers. Following is a list of the company’s divisions:

**NAVARRE DISTRIBUTION SERVICES**

Navarre Distribution Services (NDS) distributes non-proprietary PC software, major-label music and DVDs. NDS provides a variety of value-added services to its vendors and customer base. These services include customer-specific ticketing, packaging and bundling. Its vendor-managed inventory offers customers individual item tracking, which provides retailers with sales-trend information maximizing each item’s sales performance.

During the past five years, computer software product sales for NDS have grown substantially. At the end of 2000, PC Data reported that its distributed market share was 10.3%. Its distribution share by category was 58% in entertainment software, 25% in personal productivity, 21% in reference and 35% in the education category.

**NAVARRE ENTERTAINMENT MEDIA**

Answering the needs of artists, Navarre Entertainment Media (NEM) provides the personalized attention and creative freedom artists need to get their music to the market. NEM also helps studios release product into the DVD market.

The division’s customer base includes all national music retailers, national and regional one-stop wholesalers and one-stops.

NEM ensures that artists, labels, studios and publishers get the proper development and marketing and have access to major music and specialty entertainment retailers, national and regional wholesale clubs and office superstores. Its goal is to maximize the sales potential of each release.

Through the years, Navarre has distributed product from a wide array of musical genres. Today, that roster includes contemporary instrumental, dance, country, gospel, pop and seasonal product. Its video catalog is home to an extensive range of action, drama and special-interest titles that appeal to just about any retail customer.

**ENCORE**

In 2002, Encore—a leading interactive publisher of videogames and PC CD-ROMs—became a majority-owned subsidiary of Navarre. Last year, the company shipped “Circus Maximus.” Future releases include such highly anticipated next-gen console games as “Phantom Crash” and “Dragon’s Lair 3D” and “Daredevil.” Encore also offers a large selection of titles from such internationally recognized properties as “Sesame Street,” “Dragon Tales,” National Geographic and Kaplan. These products are sold in more than 35,000 stores nationwide and throughout major international markets. Encore, which continues to operate as an independent publishing entity headquartered in Los Angeles, was co-founded in 1994 by CEO Michael Bell.

Source: Navarre.com

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Armik

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Growth Still A Key Theme After Banner Year

BY TRUDI M. ROSENBLUM

Navarre Entertainment Media is having a banner year. Sales were up 22% for the fiscal year ended March 31 and continue to be strong this year, says senior VP/GM Steve Pritchitt. On Oct. 14, the company will release 200 titles (including reissues), the largest number of releases on a single day in NEM's history.

Pritchitt attributes this success to the major changes in NEM's organizational structure since he came on board 2½ years ago.

Since then, instead of a single national sales director, the company put in place two sales directors: Vyto Lazauskas for the East Coast and Ed Maxim for the West Coast. There are eight national account managers, spread throughout the country, who report to either Lazauskas or Maxim: Michael Neustadt in Boston, Jill Phillips in Chicago, Tommy Dias in Los Angeles, Joe Courtney in Dallas, Kevin Bradshaw in Florida, David Womack in Atlanta, Scott Cameron in Minneapolis and DeWitt Barker in San Francisco.

Peter Piazecki in Toronto handles the Canadian territory. Cedar Burnitt in Minneapolis is in charge of telephone sales. Most of the national account managers have field sales and marketing reps who report to them. Altogether, there are 24 people on the sales staff.

"It's an unusual structure because we divided the country up by region, instead of having one single head of sales," Pritchitt says. "Ed and Vyto are both senior salespeople who have great relationships with their accounts. And this structure gives us the opportunity to get them in front of senior account management more frequently. They can also be more responsive to the needs of our labels and talk about macro-level account issues with the labels. It doesn't all fall on one person."

Another change to come, Pritchitt adds, is that the warehouse will be fully automated by April 1.

NEM has also greatly expanded and strengthened its label roster during the past two years. Pritchitt says, "In the last couple of years, we have focused our attention on the urban and hip-hop genres, dance music and rock. The majority of our business is now those three styles of music. The first big signing was with the Cleopatra label," he says. "Then when Valley Media went bankrupt, taking DNA with it, we hired Rick Lawler and Jim Colson from DNA, and they enabled us to pick up a lot of great labels. That was the second major event. Overall, we've strengthened our product-development department and shifted focus to net sales rather than gross sales."

The company's key labels are Cleopatra, Studio/KF, SPV, Liquid 8, CMH, DTS (Digital Theater Systems), Lakeshore and Sanctuary.

Big sellers of the past 12 months include Insane Clown Posse's "The Wraith-Sharelala," the soundtrack to the upcoming film "Underworld" and Superjoint Ritual's "A Lethal Dose of American Hatred," all of which shipped six figures, according to Pritchitt.

Highlights of the fourth quarter include the release of Kenny Rogers' "Back to the Well" Sept. 23 (featuring his first studio duet with Dolly Parton in 15 years), "All Hits of the House of Blues" from Raphael Saadiq (formerly of Tony! Toni! Ton!), "Silk Time" by Silk, "Jesse" by Jesse Powell and "How We Do" by Das EFX.

NEM's response to the shrinking account base has been "to get more and better content, and to get more out of what we had," Pritchitt says.

The challenges faced by the music industry have in some ways been beneficial to NEM. Pritchitt says, "The company has been public about its desire to grow by acquisition," he says. "As the business is going through its current change, an increasing number of great quality artists are becoming available to independent distributors. We see this as an opportunity to become associated with artists that can expect to have gold and platinum records."
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Navarre Turns 20

Continued from page N-1

diversity in the business, finance and personal productivity categories." Video games have also become an important part of the mix.

"About three years ago, we started looking at the landscape," Burke says, "and we saw a lot of the major entertainment players like Electronic Arts really shifting their focus to the videogame platform. So we felt that we needed to diversify our business. We've really focused on people like Lucas Arts and THQ. Dreamcatcher Interactive is a company we do a lot of business with."

To widen its offerings on both the game and PC side, Navarre purchased Encore Software, the Los Angeles-based software publisher, in July 2002.

In music, NEM senior VP/GM Steve Pritchitt has moved aggressively to bring in a fresh mix of labels during his two years with Navarre.

"My strategy, very simply, was to go out and get what I call 'critical mass' in those genres that sell well where there's a lot of independent-label opportunity," Pritchitt says. "Those three are the ones that would be at the top of anyone's list—urban, rock and dance. If you look at our label list today, our top labels all fit primarily into those categories."

NEM has done successful business with a wide slate of offerings from urban-based label Riviera Entertainment; German rock label SPV; the eclectic L.A.-based Cleopatra Records; Studio Distribution, the umbrella for a variety of top dance labels; and country stronghold CMH.

The company also recently announced deals with

(Continued on page N-16)
Reader’s Digest Music gives a big “👍” to Navarre for its great success over the past 20 years. We look forward to even more success with our Navarre partners in the launch of Reader’s Digest CDs at retail. Look for our quality, value-driven co-branded products in your favorite entertainment outlet this fall!

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tainment and

tainment
Navarre Turns 20
Continued from page N-14

“It’s no secret that we’re trying to acquire independent music distribution and build our independent distribution side. We’re going to invest big money in this industry.”
—ERIC PAULSON

Reader’s Digest Music and indie-rock specialist Lumberjack Distribution.

In home video, Pritchitt says, “We’ve been very aggressively securing several new content relationships with independent studios.”

In addition to proprietary products like its “Deadline Auto Theft/Gone in 60 Seconds II,” Navarre has received a lift from distribution pacts with companies like One Little Indian, which has brought a highly successful line of Björk DVDs to the table.

NEM—always strong with major music chains—has also rethought its retail strategy in recent years.

“Navarre had been known for its strength with the chain accounts, but we’ve under-served the independent community,” Pritchitt says.

“About 15 months ago, we started reaching out to the independent world and gave our people in the field some responsibility for calling on key accounts in their territories. We’ve increased the number of accounts probably by about 400.”

Paulson—long one of the most forward-thinking distribution executives regarding advances in entertainment technology—sees room for Navarre in the digital evolution of retail.

“I think you’re going to see the ability to walk into a retail store and digitally download a compilation that you want and burn it right in the store,” he says.

“In fact, that’s a direction in which Navarre is heading. We hope to have something very interesting for the marketplace in that area within the next 90 days. I think that will provide a digital concept to the retailer of the future.”

POSED FOR THE FUTURE

Though Navarre hit a couple of snags during the ’90s with investments in Webcaster Net Radio and its Internet platform eSplice, the company is now financially on track, with cash in the bank and zero debt.

VP/CFO Jim Gilbertson says, “We’re a distributor. It’s a low-margin business, and if you start running up debt, there’s a lot of interest income to overcome in a low-margin business. We’re really very cautious about our cash balance, cautious about debt. That theory carries pretty true for us.”

Paulson says Navarre’s current health was built on “our...”
Navarre Turns 20

Continued from preceding page

ability as a management team to de-leverage this company, with an understanding of what that would do for us in the future, and now be able to move into turbulent waters. We’re moving in with positive cash—no debt. We just expanded our bank line [with GE Capital in Chicago] to $40 million. I think, where we’re going, that’s going to serve our growth strategy well.”

Navarre’s solid financial position will enable it to undertake its long-pondered mission of acquiring other congruent distribution companies. Gilbertson adds, “We’d like to utilize our existing cash to go out and look at some acquisitions, along all our core competencies.”

Paulson says, “It’s no secret that we’re trying to acquire independent [music] distribution and build our independent distribution side. We’re going to invest big money in this industry.”

Morrison observes, “There is a roll-up opportunity in this industry. They are out looking for acquisitions. The economics of the right acquisition could be pretty exciting and take them to the next level. They could buy a good amount of revenue fairly inexpensively, run it through their system and hopefully, have a creative impact on the bottom line fairly quickly.”

Navarre also plans to upgrade its systems. The company is getting ready to break ground on a new high-tech distribution facility in New Hope that will add 160,000 square feet to its operation. It will concurrently close existing facilities in New Hope and nearby Brooklyn, Minn.
Backbone Of Good Business
Continued from page N-4

Dirk Hemsath, president of the Lumberjack Label Group in Toledo, Ohio, earlier this year chose Navarre over Caroline Distribution and Koch Entertainment Distribution. Lumberjack comprises some 45 independent labels in metal, punk and hard rock. Though it is a distributor itself, it goes through Navarre to access bigger accounts.

"We thought we could bring a type of music that they didn't already have" and thereby garner more attention from Navarre, Hemsath says. So far, he is happy.

Navarre is "small in relation to a Koch or an Alternative Distribution Alliance, but a lot of the people come from major labels or have been in the business for a while," Hemsath says. "That probably outweighs the fact that they're not the top

industry. It's really all about the people."

More recently, NEM cut an exclusive distribution deal with Reader's Digest Music (RDM) to develop and distribute compilations from the more than 20,000 tracks in RDM's catalog (The Indies, Billboard, Aug. 9).

Len Handler, director of product development at RDM, explains that the firm went with Navarre because of its expertise in packaging, its advanced warehouse systems and its rapport with mass merchants. "Our expertise is in the area of direct response, not in retail," Handler says.

Colson, for his part, calls the DRM deal "a hybrid."

"It's a more active, hands-on deal, in that we're working with them actively to develop the offering," he says. "The financial structure of the deal is different from a traditional distribution structure. It's more like a license situation."

Handler adds, "We're not just handing them product and saying, 'Here, go out and sell it.'"

Going forward, Navarre executives say they may want to own more of the content they distribute, as is the case with Encore.

"It's a source of a lot of discussion," Colson says. "Obviously, if you can get closer to the original source of content, there's opportunity for more margin, and acquiring content gives you other avenues for revenue."

Pritchitt adds, "My background is more on the product development side," so he recognizes the value of owning content. He joined Navarre at its now-shuttered eSplice unit in 2000, after many years as a label executive in the U.S. and Europe.

"We own a few masters, and we're looking to add to that," he says. The more content Navarre owns, company executives say, the better they will be able to capitalize on digital-music opportunities.

Meanwhile, NEM will look to broaden its label roster in such areas as urban, rock and blues.

"We have a lot of discussions about not losing focus on our core competencies, which are sales, marketing and distribution," Colson says. "When we're adding stuff, it's a very strategic thing. We like this because it helps us in this area."

One benefit of having a relatively small staff is the ability to respond to a changing market and new opportunities.

Colson says, "There's not a set of documents that says, 'This is how we have to do things.'"
Eric Paulson  
Continued from page N-10

“The industry is in transition, and it has the potential to be healthier that it has ever been.”

opportunity to not only get your product heard by the consumer but to segment the consumer by lifestyle and music genre, you’d have been right with me in making that decision to invest in NetRadio.

We never took a nickel out of the coffers of Navarre. We raised every cent that we lost, and then some. So while, yes, it came off Navarre’s P&L and balance sheet, we put all that money on the balance sheet before we lost it.

If you look back at Navarre and our equity in the company, it continued to rise, even though we were losing huge sums. We built the equity up and reduced it by the losses in NetRadio and eSplice.

NetRadio is probably one of the saddest moments of my business career, because we did exactly what we told the market we were going to do. We built the biggest and best Webcaster in the world; nobody was close to us. ABC was the next in size, and they were 50% of NetRadio’s size.

The problem was at that time—and even today—other than AOL and a couple of major individuals, generating revenue through advertising is almost a non-existent business. And so we decided to shut the company down—not bankrupt it but give what money we had left back to the shareholders. It was a very sad experience.

I don’t consider eSplice a loss at all. I consider it an investment in the digital arena, which we’re going to play in the rest of our lives.

Today, we license our products to MusicNet; we’re talking to Apple; Liquid Audio has all of Navarre’s content in digital format. We are working on some very interesting things right now, which will include the ability to digital download content into a retail store and burn a CD right at the retailer’s location.

Can you say anything more about that project?

I can’t. We’re working on something right now, which we hope to announce within the next 90 days.

I believe that digital and physical products are going to live in harmony and co-promote each other. To do that, you’ve got to access physical products over the Internet as well as digital, and you’ve got to access not only physical but digital from a retail outlet, as well.

We think there’s a way to do that and generate profit and interest and sales and meet some of the consumer’s needs with our retail customer base.

NetRadio and eSplice were investments related to Navarre’s core business. Would Navarre ever seek to diversify beyond entertainment media?

Probably not in my lifetime here—but that doesn’t mean it won’t happen somewhere in the future. You will continue to see us diversify our functions within the home entertainment industry. That’s one of our strategies; that’s why we got involved in NetRadio; it’s why we started eSplice. It is also what we did with Encore.

It is all about content—not only distribution, but controlling content, managing content, surrounding the content. And there’s all kinds of product configurations—videogames, DVD, audio, computer software. There are a lot of things we can and are doing from both a physical and digital standpoint with this content.
As we celebrate our 20th year, we would like to thank our family of labels, studios & publishers.

We Couldn’t Have Done It Without You!
Loveless Much At ‘Home’ With Latest CD

BY JIM BISSMAN

After a pair of acclaimed acoustic-oriented albums—2003’s “Mountain Soul” and last year’s “Bluegrass & White Snow”—Aaron Lines, a.k.a. Patty Loveless, gives us “Patty Loveless’ new album, “On Your Way Home,” can be seen as her return to mainstream country music.

But for Loveless herself, the Sept. 16 Epic release returns her to the start of a hitmaking career that goes back 18 years and almost 20 albums. "I was working with Tony Brown [and husband] Emory Gordy Jr. at the very beginning of my career," Loveless recalls of the production team behind her first MCA-Nashville albums. "I think they were trying to take me to a place that had a very traditional country sound and mix it with a little bit of the rock ‘n’ roll edge and influence that I had—especially on the first two records [1987’s ‘Patty Loveless’ and 1988’s ‘If My Heart Had Windows’]."

"I feel that this record, though, is the closest to traditional country with an edge that I’ve ever done," she continues. "I guess it took me getting away from contemporary country for a while and doing a project like ‘Mountain Soul.’"

Loveless credits “Mountain Soul” with inspiring the succeeding “Bluegrass & White Snow.” But she also notes that it caused her to become “more fearless in expressing myself as the kind of artist I want to be—an artist of music and not so much an entertainer."

In “this day and time [when] people have honed in on images and sex appeal and it’s controversy that sells records,” Loveless says she no longer cares to “compete” with her peers. "I don’t think they’re comfortable with that either, because the reason we got into making music at all is because of the artists we had listened to," she continues. "I remember how excited I was with my very first record, to be heard on the radio alongside [such artists] as Dolly Parton and Vince Gill, and hopefully it’s all going to come back around to that."

Ironically, that attitude has led to Loveless’ best success at radio in years. "Lovin’ All Night," the first single from “On Your Way Home,” is No. 20 on the Hot Country Singles & Tracks chart this issue. It is Loveless’ fastest-climbing single in five years.

For the album, she expressly sought “adult” songs that would appeal to young people but at the same time have substance lyrically, she says. The album includes highlights by the Matraca Berg/Ronnie Samoset-penned title track—which she found reminiscent of her 1994 hit “Here I Am”—and the Rodney Crowell-penned single.

Loveless and Crowell were on the Down From The Mountain tour last summer, “and he asked me to perform with him in Roanoke [Va.],” Loveless recalls. “When I was ready to cut the record, I was looking for up-tempo things that weren’t too sugary lyrically. I remembered how well we did on ‘Lovin’ All Night’ and called Rodney from my cell phone in the singing booth, and he changed a couple lines."

Radio reaction to the tune, which Crowell himself had a hit with in 1992, has pleased Loveless. "I haven’t had a contemporary country record out in some time," she says, noting, “I hope everyone out there didn’t think I went away and disappeared off the map.”

Not to worry, says recently appointed Sony Music Nashville president John Grady. “Patty and Emory have picked up where they left off with ‘Mountain Soul,’ and as they always have, they’ve chosen great songs by great songwriters,” he says. “Look at the first single.”

Reporting “tremendous response on the phones” to “Lovin’ All Night” country RPM’s Seattle operations manager/PD Beckey Brenner says that listeners and staffers are “ecstatic to have Patty back in mainstream country.”

“Mountain Soul” was an awesome album,” she says. "This, too, has some of that great bluegrass feel to it, but it’s also got some of that sound that’s part of what Patty Loveless is all about in terms of what the country audience has come to expect from her. She has one of the most powerful, pure voices in country music, and she also has such a great personality that you’ve just got to love her.

Brenner’s favorite album cut is the title track, which Grady says will be the second single. "I’m usually unable to give the second single choice so early," he says. "But history has shown us that nothing sells an artist like Patty Loveless more than one of the strongest ballads of her career.”

The label will now “go at everybody’s ear—real tough once before—and try to reach that whole bunch more.”

Grady says, citing a "heavy press and visibility initial thrust" including such TV outlets as "Late Show With David Letterman," "The Tonight Show With Jay Leno" and the new "Ali & Jay" syndicated talk show. "Strong supporter" CMT will also be worked "very hard," he says, noting the video channel’s Loveless focus on its “Most Wanted Live” program around the album release date.

Grady makes particular note of Loveless’ appearances on the Down From The Mountain tour where he believes she “gained more from it than any other artist on the bill, since so much of that audience had never seen her before.”

Indeed, Loveless, who is backed by the William Morris Agency and managed by Mike Robertson in Nashville, also sones an expanded fan base through the tour and "Mountain Soul.”

“I feel like I made some new fans with ‘Mountain Soul’ [whom] I might not necessarily have made had I not done that record,” she says. "I think it took me to another place with people and the way they listen to Patty Loveless music."

Twain Cleans Up At CCMA Awards

BY LARRY LeBLANC

Mercury Nashville’s Shania Twain swept the Sept. 8 Canadian Country Music Awards. Twain won four major trophies at the awards ceremony held at the Pengrowth Saddledome in Calgary, Alberta, and broadcast in Canada on C CBC-TV and in the U.S. on CMT. The awards are voted on by the members of the Canadian Country Music Assn. (CCMA). As expected, Twain, who did not perform, won the top female category. Her recording "Up!" also won for top selling album and for top album. Additionally, Twain’s "I'm Gonna Getcha Good!" was named top video.

For the fourth year, Mercury Nashville’s Dennis Layman, the annual fan’s choice award, which is voted on by Canadian country music fans. Clark also won top single honors for "I Just Wanna Be Me." It was RCA singer/songwriter Aaron Lines who had, perhaps, the most memorable night. Lines, who went into the show with six nominations, won two major awards: rising star and top male honor, beating out his mentor and the show’s host Paul Brandt in the latter category.

One of the evening’s highlights was Twain’s induction of Canadian country music matriarch Sylvia Tyson into the CCMA Hall of Fame. Tyson is best-known as half of the 1960s folk duo Ian & Sylvia, and for writing such international hits as "You Were on My Mind" (covered by the We Five) and "River Road" (covered by Crystal Gayle). In her speech, Tyson gave some advice to young performers, including the dry comment, “Remember, always take your wallet onstage with you.”

In other awards, DreamWorks’ Emerson Drive won for top group, and Victoria, British Columbia-based singer/songwriter Sean Hogan won top roots artist honors.

A full list of CCMA winners can be found at billboard.com/awards.

Opry Broadcast Moves To GAC

By Phyllis Stark

The Grand Ole Opry will switch cable TV homes, moving from CMT to GAC beginning Oct. 4. "Grand Ole Opry Live" will be telecast live Saturdays at 8 p.m. (ET) and repeated three times during the weekend and twice more on Tuesday evenings.

Although GAC’s reach is significantly smaller than that of CMT, Steve Buchanan, senior VP of media and entertainment for Opry parent Gaylord Entertainment, cites “more frequent viewing opportunities” on GAC as a reason for the switch. Jones Media Networks, parent of GAC, will provide additional Opry exposure through its Jones Radio Networks.

CMT, meanwhile, released a statement that said it “loves, respects and supports the great institution of the Grand Ole Opry and its significance in country music. The contract between CMT and Gaylord Entertainment for the Opry telecast has reached the end of its term, [CMT] and Gaylord Entertainment negotiated for a new term, but an agreement was not reached.”

ON THE ROW: Darrell Franklin has been appointed director of A&R at Mercury and MCA Nashville. He previously was A&R director for Dann Huff Productions. Also at Mercury and MCA, Brian Wright is promoted from A&R coordinator to manager of A&R, and Stephanie Wright is upped to manager of A&R administration.

At Sony Music Nashville, TanyaWelch is named associate director of marketing, and Bo Martinovich is appointed to Midwest promotion manager for Epic/Monument. Welch previously was the company’s manager of sales and marketing. Martinovich previously was Sony’s national country promotion manager.

Veteran record promoter Steven Sharp has launched Sharp Objects, a Nashville-based song-plugging firm. Sharp’s careers includes work for Arista, Warner Bros., BNA and Asylum Records. He most recently had been doing independent promotion. Sharp serves as the company’s CEO. He has hired Shelby Lofthus as VP. The writers and Terri Becherer as VP of West Coast operations.

IBMA UPDATE: The International Bluegrass Music Assn. (IBMA) will move its annual World of Bluegrass trade show, Fan Fest and awards from its longtime home in Louisville, Ky., to the Nashville Convention Center for three years beginning in 2005. The seven-day event draws more than 22,000 people annually.

Meanwhile, at this year’s IBMA Awards on Oct. 2, Al Cotte will be inducted into the Bluegrass Music Hall of Honor. Nashville venue the Station Inn will be among the recipients of the IBMAs distinguished achievement awards, to be presented at an Oct. 1 luncheon. Also set to be honored are musicians Jack Cooke and the late Fiddlin’ Arthur Smith. 
## Billboard Top Country Albums

**Sales data compiled by Nielsen SoundScan.**

### September 20, 2003

<table>
<thead>
<tr>
<th>WEEK</th>
<th>ARTIST</th>
<th>IMPRINT &amp; NUMBER DISTRIBUTING LABEL</th>
<th>TITLE</th>
<th>TOTAL WEEKS AT NUMBER</th>
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<tr>
<td>1</td>
<td>ALAN JACKSON</td>
<td>Columbia</td>
<td>Greatest Hits Volume II And Other Stuff</td>
<td>4 Weeks At Number</td>
<td>1</td>
<td>1</td>
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<td>2</td>
<td>SHANIA TWAIN</td>
<td>RCA</td>
<td>Up!</td>
<td>1</td>
<td>2</td>
<td>1</td>
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<td>BNA</td>
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<tr>
<td>5</td>
<td>BROOKS &amp; DUNN</td>
<td>RCA</td>
<td>Red Dirt Road</td>
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<td>1</td>
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<td>KEITH URBAN</td>
<td>Reprise</td>
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<td>TRACY BYRD</td>
<td>Arista Nashville</td>
<td>Mud On The Tires</td>
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<td>DIERKS BENTLEY</td>
<td>Capitol Nashville</td>
<td>Restless</td>
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<td>9</td>
<td>TIM McGRaw</td>
<td>Mercury Nashville</td>
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**ARTISTS:**

- ALAN JACKSON
- SHANIA TWAIN
- TOBY KEITH
- KENNY CHESNEY
- BROOKS & DUNN
- KEITH URBAN
- TRACY BYRD
- DIERKS BENTLEY
- TIM McGRaw

**ALBUMS:**

- Greatest Hits Volume II And Other Stuff
- Up!
- Unleashed
- No Shoes, No Shirt, No Problems
- Red Dirt Road
- Golden Road
- Mud On The Tires
- Restless
- Mud On The Tires

**DISTRIBUTING LABELS:**

- Columbia
- RCA
- MCA Nashville
- BNA
- Reprise
- Arista Nashville
- Capitol Nashville
- Mercury Nashville

**Sales Data:**

- Nielsen SoundScan

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**Notes:**

- All information and data are subject to change and may vary.
- This chart represents the top-selling albums in the United States during the specified week.
- Nielsen SoundScan is the primary source of sales data.
**ALBUMS**

**ESSENTIAL REVIEWS**

Edited by Michael Paolletta

**POP**

**MY MORNING JACKET It Still Moves**

**Producer:** Jim James

**ATO/RCA 52979**

**RELEASE DATE:** Sept. 9

Imagine going on a road trip and searching for the perfect accompanying soundtrack. Popping in My Morning Jacket’s “It Still Moves” would be a fine choice. Led by a smoky, soulful frontman, James translates aaptiduously his exploration of personal and political themes. The result is a collection of songs that are both introspective and socially engaged.

**SEAL**

**Seal IV**

**PRODUCER:** Trevor Horn

**WARNER BROS. 47947**

**RELEASE DATE:** Sept. 9

“Seal IV” is the artist’s first album in five years. The production and arrangements are lush and memorable. Songs like “Human Being” and “California” showcase Seal’s powerful tenor voice and his ability to convey raw emotion.

**ARTHURA FRANKLIN So Damn Happy**

**PRODUCERS:** various

**ARTIST:** 82876-50174

**RELEASE DATE:** Sept. 16

On her first studio album since “A Rose Is Still A Rose” (1998), Aretha Franklin delivers a powerful musical performance. This album features a range of artists and producers, resulting in a diverse and engaging collection of songs.

**DARYL BYRNE Lead Us Not Into Temptation: Music From The Film “Young Adam”**

**PRODUCER:** Daryl Byrne

**THRILL JOCKEY 133**

**RELEASE DATE:** Sept. 2

Mostly composed of obliquely lyrical chamber music, “Lead Us Not Into Temptation” is the film realization of Daryl Byrne’s score for David Mackenzie’s film “Young Adam” (starring Ewan McGregor and Tilda Swinton). Byrne’s work is rich with emotional depth, creating a captivating soundtrack.

**CARLA BOZULICH Red Headed Stranger**

**PRODUCER:** not listed

**DI Cristina Stair Builders 011**

**RELEASE DATE:** Sept. 9

Pulp’s injections of classic albums are increasingly common, but this take on Willie Nelson’s 1975 classic is unique and profound. The album’s cover features a photo of the late Los Angeles band Ethyl Meatplow, the Gildernine Fibbers and Scaremilla, bringing their own sensibility to Bear's project with guitarist and longtime collaborator Nels Cline spearheading the instrumental charge. Well-worn numbers like the title cut, “Blue Eyes Cryin’ in the Rain” and “Can I Sleep in Your Arms” receive expansive, wavy readings that totally re-emote the songs. More unusual still, O’Willie himself sits in on three tracks, contributing his signature guitar sound and dueting with Bozulich on a couple of numbers. Hardcore country enthusiasts may be horrified, but fans of West Coast experimentalia will find this an engaging trip. Exclusively distributed by Revolver.

**JOSS STONE The Soul Sessions**

**PRODUCERS:** Betty Wright, Steve Greenberg, Mu-Lan, the Roots

**S-CURVE 7243-5 42234**

**RELEASE DATE:** Sept. 16

Every so often a new singer comes along that literally knocks you off your feet from the first listen. Joss Stone fits that bill. Packing tons of soul in her traffic-stopping vocals (think a young Janis Joplin) by way of Mavis Staples, the British-born Stone is already a formidable presence at 16 years old. Just look at the lineup of supporting artists for her U.S. debut: 60’s/70’s R&B vets Betty Wright, Latimore and Timmy Thomas and contemporary neo-soul and rap icons Angie Stone and the Roots. With their backing, Stone mines the depths of soul with such nuggets as the heart-tugging “Chokin’ Kind” and the jute-knot-jumping “Super Duper Lover.” Whether crooning about love on a sparse, slowed-down version of the Isley Brothers’ “For the Love of You,”Featuring a duet with Stone, the hit is a magnificent. Brilliantly tackling the White Stripes’ “Fell in Love With A Boy” (here titled “Fell In Love With A Boy”) reverb raising up “All The Kings Horse” covered by fellow soul wunderkind Arthea Franklin in 1972. Stone makes each song her own—which heightens anticipation for the singer/songwriter’s 2004 album of original material. This soul sonic force is the real deal.

**MARK RONSON Here Comes the Fuzz**

**PRODUCER:** Mark Ronson

**ELEKTRA 52839**

**RELEASE DATE:** Sept. 9

This year, mixtape DJs finally reached mainstream recognition. However, the problem with mix tapes is that, typically as a result of featuring a host of different performers, the DJ’s vision gets lost in the process. That is clearly not the case with producer/DJ Mark Ronson’s Elektra debut. “Here Comes the Fuzz.” In fact, this sounds more like a proper artist album than a DJ-driven mixtape (though its party atmosphere is in full effect). Having produced for Nikka Costa and remixed for Jay-Z and Moby, Ronson’s producers know how to properly put together a complete set. Ghoshface Killah, Nate Dogg and Trife take it to the old school/rap-inspired Ooh Wee. Ronson also mines Southern-fried blues with the Nappy Roots and Anthony Hamilton on “Bluegrass Stain’d.” The title track may be the set’s most interesting offering. The unlikely combination of Freeway and Costa mixes hip-hop, funk and rock with stellar results. This one is a must-have.—RH

**DANCE/ELECTRONIC**

**STOCKTUN早日 Monster**

**PRODUCERS:** various

**TNT Soundtrack**

**RELEASE DATE:** Sept. 2

The film “トゥデイ・モンスター” is about New York club kid Michael Alig’s notorious rise to fame and murderous downfall in the late ’80s/early ’90s. The companion soundtrack is well-themed, though it does take some liberties by including current club favorites mixed in with older hits. The album’s centerpiece is Felix Dahouse’s remix of the 1988 Port Tarts song “Money, Success, Fame, Glorious,” featuring vocals by the film’s Macaulay Culkin, who portrays Alig. It’s fitting that the Port Tarts are here, as they are actually the film’s directors, Randy Barabo and Fonta Bailey. The 19-song soundtrack is propelled by 80’s hits (Stacey Q’s “Two of Hearts”) and recent electro favorites (Walid’s “You’re My Do,” Ladytron’s “Seventeen”). The album’s most thrilling find is the title track, a poetic and just plain fantastic new song, “It Can’t Come Quickly Enough,” by ultra-hot-band-of-the-moment Speaker Sisters.—KC

**LATIN**

**HUEY DUNBAR Music for My Peoples**

**PRODUCERS:** various

**SOM DISCO TRX 84879**

**RELEASE DATE:** Aug. 19

In the film “Amadeus,” the emperor charges Mozart to write “a piece to the German people.” While we do not endorse that particular criticism. “Music for My Peoples” is guilty of too many things. A patch of styles—reggaeton, salsa, bachata, dancehall, hip-hop—R&B—it has moments of beauty and swing, but a lot of them are lost within the clutter. The excuse for being so musically inclusive may be Dunbar’s gorgeous voice and versatility: an R&B acoustic version of Disney’s song, for example, is soulful, and his blend of hip-hop and salsa work. Other times, he sounds self-conscious. —MARK (Continued on page 48)

**CONTRIBUTORS:**

Susanne Auft, Bradley Bamberger, Jim Bessman, Keith Caufield, Leila Cobo, Rashan Hall, Gail Mitchell, Chris Morris, Wes Orshoski, Michael Paolletta, Craig Roseberry, Chuck Taylor, Philip van Veck, Ray Waddell.

**ESSENTIALS:** Readers Removed from the review page to determine actual position on the basis of musical merit and overall commercial success. Vital, Readers Removed. Thirteen albums of special artists, archival and commercial interest and outstanding collections of works by one or more artists. P.O.D.: A new release decided to be the top pick at the chart in the corresponding term. CRITICS CHOICE: #1. New releases, regardless of chart potential, highly recommended because of their musical merit. All albums commercially available in the U.S. are eligible. Serial album review copies to Michael Paolletta and single copies to Chuck Taylor (BILLBOARD, 707 Broadway, 6th Floor, New York, N.Y. 10003) or to the writers in the appropriate bureau.
(Continued from preceding page)
programming in “La Noche,” a bacha-
ta, could be attributed to progressive-
ness in “Tus Didoco.” A salsa track,
explicitly starts with a bandaloncino
that never returns. Dunbar is to be
commended for striving to expand the
scope of his own musical landscape.
His album needs to streamline the
results.—LC

BLUES

★ ERIC BIBB
Natural Light
PRODUCER: Dave Bronze
EarthBeat! 2011
RELEASE DATE: Sept. 9

“Bibb’s first blues release, and it
will go down as one of the best albums
in his discography—whether it ends at
two or runs well into the double
digits. Bibb’s natural incline may chal-
lenge some radio programmers, but it
is his greatest artistic strength, and he
fully indulges his wide variety of influ-
ences on “Natural Light.” His acoustic
blues numbers “Guru Man Blues” is not
only as seamless of a blues cover as
but also a song that can be played
into human frailty. “Guru Man Rag” is, as
the title suggests, a ragtime tune that
Bibb assimilates in classic fashion. His
feel for gospel music is genuine, and
his version of the blues here is as
broad and open as anything on Time,”

LUDACRIS FEATURING KELLY "Circles."

DATE: Aug. 26

Eagle Vision’s posthumous Roy Orbi-
don DVD retrospective cuts directly
includes archival footage of perfor-
mances of seminal hits from the influ-
cential country-pop artist’s pioneering
30-year career. Also for the first time,
this document features music from the
1982 TV special “Roy Orbison and Friends:
A Black and White Night” with audi-
guest appearances from Bruce Springen-
ter, Bono, Delbert McClinton, Bonnie
Raitt and Jackson Browne. In addi-
tion to rare interview footage, the
DVD features music videos for “She’s a
Mystery to Me” and “Crying” (with K.D.
Lang) and audio tracks of the newly
discov ered 1957 acetate “An Empty Cup
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one of music’s all-time greatest per-
formers, this 90-minute collection con-
tinues to cultivate the icon’s mys-
tique as well as the lasting impact of
his timeless compositions that con-
tinue to be rediscovered today.—CR

PINK FLOYD
The Dark Side of the Moon
Eagle Vision EV 30042-9
RELEASE DATE: Aug. 26

Coinciding with the 30th anniversary of
Pink Floyd’s 1973 masterpiece “The
Dark Side of the Moon,” Eagle Vision
releases this DVD collection docu-
momenting the making of the group’s
landmark album. The groundbreaking
sequence not only marked a creative
turning point for the band, it also was its
first U.S.-chart-topping release. This
84-minute set provides a track-
by-track overview of the album, along
with interviews from the group and
additional commentary from mixing
supervisor Chris Thomas, engineer
Alan Parsons and award-winning
sleeve designer Storm Thorgerson. It
includes remixed and remastered audio,
acoustic versions of “Breathe” and
“Brain Damage” and bonus interview
clips. “The Dark Side of the Moon”
embraces the legacy of one of rock
music’s innovative groups during one of its most fertile
periods—highlighting their trans-
formation from art-house favorites to glob-
al stadium-fillers.—CR

VITAL REISSUES

THE BYRDS
Sweetheart of the Rodeo
REISSUE PRODUCER: Bob Irwin
ORIGINAL PRODUCER: Gary Usher
Columbia/Legacy 01889
RELEASE DATE: Aug. 26

Released in 1968, “Sweethearts of the Rodeo” was a landmark album for the
byrds and rock music as a whole.
Indispensable at the time, it has
since been hailed for pioneering the
country-rock genre, much as the
group had introduced folk-rock only
three years earlier. But it also marked
the stepping-out of a new-into-international
Submarine label founder Garrett Par-
sons, the short-lived legend who coun-
trolled the band in the wake of David Croby’s departure. The original
single featured songs by Byrds guru
Bob Dylan and classic country covers
—and a pair of portentous Parsons
tunes. This two-disc set (“The Byrds"
adds Parsons’ vocals that were excised
from the original, along with choice
Submarine band cuts and Parsons bonus
material.—JB

DVD

ROY ORBISON
Greatest Hits
Eagle Vision EV 30043-9
RELEASE DATE: Aug. 26

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don DVD retrospective cuts directly
includes archival footage of perfor-
mances of seminal hits from the influ-
cential country-pop artist’s pioneering
30-year career. Also for the first time,
this document features music from the
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Columbia/Legacy 01889
RELEASE DATE: Aug. 26

Released in 1968, “Sweethearts of the Rodeo” was a landmark album for the
byrds and rock music as a whole.
Indispensable at the time, it has
since been hailed for pioneering the
country-rock genre, much as the
group had introduced folk-rock only
three years earlier. But it also marked

Billboard.com

Also reviewed this week:
• Guided by Voices, “Earthquake Glue” (Matador)
• Luke Vibert, “Yoseph!” ( Warp)
• Various Artists, “Every Word: A Tribute to Let’s Active” (Laugh-
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ing Outlaw)

Billboard.com
EXECUTIVE TURNTABLE

PUBLISHING: Kent Klavens is promoted to senior VP of legal and business affairs for Famous Music in Los Angeles. He was VP of legal and business affairs.

KLANES

Dana Kashia is named senior director of West Coast creative affairs for Universal Music Publishing Group in Los Angeles. She was senior director of A&R and marketing for Q Records and Q Video.

KASHIA

DIRECT MARKETING: Mack Hill is named VP of commercial, videogame and international synch licensing for Warner Strategic Marketing in Burbank, Calif. He was director of film/TV advertising/new-media music licensing for Sony Music.

HILL

Matt Pressman is named VP of Cornerstone Promotion in New York. He was associate publisher of Vibe magazine.

Pressman

RECORD COMPANIES: Darrell Franklin is named director of A&R for Mercury/MCA Nashville in Nashville. He was director of A&R for Dan Huff Productions. Mercury/MCA Nashville also promotes Brian Wright to manager of A&R and Stephanie Wright to manager of A&R administration/executive assistant in Nashville. They were, respectively, coordinator of A&R and assistant to executive VP of A&R.

Franklin

Jo Beth Burrell is promoted to senior financial analyst for RCA Label Group in Nashville. She was financial analyst.

BURRELL

Beers Here

In a blatant attempt to up their sales during their Ozfest dates at DTE Energy Music Theatre in Clarkston, Mich., Marilyn Hauser of Palace Sports and Entertainment, left, and Rick Franks of Clear Channel Entertainment's Detroit office resorted to peddling brewskis to thirsty fans. (Photo: Sue Plummer)

IT'S ALL ABOUT THE KIDS

Monica, Daniel Bedingfield and Smash Mouth appeared alongside tennis stars André Agassi, Andy Roddick and Anna Kournikova at the eighth annual Arthur Ashe Kids' Day tennis and music festival. Pictured at the event—which kicked off the 2003 U.S. Open at the USTA National Tennis Center in Flushing, Queens, N.Y.—are, from left, tennis star Robby Ginepri, Monica and Bedingfield. The event raises money for the USA Tennis National Junior Tennis League. (Photo: Getty Images/Ron Martinez)

‘Light’ And Lively

Koch Entertainment recording artist Beth Hart shed some “Light” on the Billboard Cafe during a live performance Sept. 8 in New York. The intense, emotional set was punctuated by the roadhouse rocker “Broken and Ugly” and her new single, “Leave the Light On,” the midtempo title track from her third album, to be released Oct. 7. Pictured at the showcase, from left, are guitarist Jon Nichols, Hart’s manager, David Wolff, Billboard senior editor Chuck Taylor, editor-in-chief Keith Girard; Hart, and Billboard publisher and president John Kilcullen.

Rashaun Hall

Now, Hear This... Goapele

Artists to Watch

Who says hard work doesn’t pay off? Almost a year after Skyblaze Recordings artist Goapele released her critically acclaimed debut set, “Even Closer,” it recently debuted on the Top R&B Albums chart. Fuelled by touring, press and word-of-mouth, the album has earned the Oakland, Calif., native the attention of MTV and Rolling Stone, not to mention a few major labels. “Even Closer” organically mixes R&B, hip-hop, jazz and electronica in introspective, candid songs that colorfully reflect this soulful sista’s diverse range and life experiences. Lead single “Closer” is a radio favorite on the West Coast and is slowly spreading nationwide. The songstress is also featured on the Hieroglyphics’ forthcoming album, “Full Circle” (Hiero Imperium).
Father And Son

Former Allman Brothers Band guitarist Dickey Betts and his band, Great Southern, were in New York to open a pair of shows for Dave Matthews Band (DMB) at the nearby Continental Airlines Arena in East Rutherford, N.J. Pictured in his midtown Manhattan hotel room composing the set list for the second show is Betts and his son, Duane Betts. The younger Betts—named after late Allman guitarist Duane Allman—is also working on a life in music. His band, White Starr, is signed to Atlantic and recently recorded an EP for the label. Later that night, Betts (at left, performing at the first of the shows) was joined by DMB’s Carter Beauford and Leroy Moore for an epic take on the Allman Brothers classic “Jessica,” which featured a drum solo by Beauford. (Photos: Rahav Segev/Photopass.com)

Honoring Nesta

Bob Marley was inducted into the National Black Sports & Entertainment Hall of Fame during a ceremony at Aaron Davis Hall in Harlem, N.Y. The hall’s goal is to create a permanent national memorial honoring the contributions of extraordinary persons of African descent in sports and entertainment and outstanding persons of non-African heritage who have contributed to the advancement of people of color in these fields. Accepting the award on behalf of the Bob Marley Estate was the reggae icon’s granddaughter, Donisha Prendergrast. The award was presented by Paul Shaffer and Doug E. Fresh. Pictured, from left, are Prendergrast, Shaffer, Fresh and Veeza Rivers, executive co-founder of the hall of fame. (Photo: Hubert Williams)

Rockin’ Our Bodies

Justin Timberlake’s solo bow, “Justified,” has been certified triple-platinum. Presenting the singer with a Recording Industry Assn. of America plaque recognizing the achievement are, from left, Johnny Wright, the singer’s co-manager and chairman of Wright Entertainment Group; Lynn Harless, co-manager of Just-in-Time Management; Timberlake; Barry Weiss, president of Jive Records; and Paul Harless, co-manager of Just-in-Time Management.

DMX: Dressing Up To The [Ca]nines

DMX with four models—two of the four-legged variety—at a recent runway show.

These days, it’s not unusual for rappers—or any musicians, for that matter—to look to extend their brand. Many an artist has tapped into his or her entrepreneurial spirit to launch a clothing line or a record label. Now, DMX has launched his Boomer 129 line—a dogwear brand.

It seems only fitting that the Yonkers, N.Y., native—an avid dog lover who is known for both his bark and his bite—has teamed with pet industry veteran Eric Arginsky to manufacture a line of hip-hop-inspired clothes for canines.

“I found out through a friend that X was looking to get into something new and unique, which just happened to be a dogwear line,” says Arginsky, who serves as the company’s CEO. “We didn’t know exactly in what way, shape or form, but it was something that X had always wanted to do since he was a little boy. His agent and I sat down and worked something out, and we signed with them in June.”

With 12 years in the pet industry, Arginsky is no stranger to dogwear. But this was a new twist.

“Our family used to own a 10,000-square-foot store when I was growing up, so I had seen and heard it all,” Arginsky says. “I was a little surprised to find out that his love for the dogs was so deep. Everyone knows DMX for the pit bulls, the bark, the growl, but I didn’t realize how he felt about his dogs. I’m a dog owner as well, and I didn’t realize that his love was similar to mine in the sense that I don’t have any children, but my dog is my child. I was really impressed by that.”

According to Arginsky, the company’s name pays homage to Boomer, DMX’s first dog, and 129th Street, where he lived for a brief time.

“That was the dog that got him into dogs and constantly wanting pit bulls around,” Arginsky says. “To be honest with you, I think Boomer was literally his one and only best friend growing up.”

While DMX has final approval on all pieces, Arginsky takes his cues from the artist and his management team and then turns them over to his design team to create the items.

With clothing ranging from hooded pullover fleeces to camouflage bubble jackets and team-colored jerseys, Boomer 129 definitely brings the worlds of hip-hop and the pet industry together in a new way.

“It’s going to be quite a challenge,” Arginsky admits. “The pet industry is probably about 20 or 30 years behind every other industry, and by that I mean everything is a little outdated.

“We’re really trying to bring the pet industry up to date and turn it into a fashion industry. There are obviously dog clothes out there, but to the 18-year-old kid who is into fashion and keeps up with today’s trend, this is a big difference. That’s our target audience.”

RASHAUN HALL
The Military Gets Its Groove(Lily) On

You never know who’s watching. In GrooveLily’s case, it was a rep from Mullen Advertising Agency, who had just started working on a new military account and fortuitously chanced upon the New York-based pop-jazz group last year in Massachusetts.

GrooveLily is fronted by electric violinist/vocalist Valerie Vigoda—

who happened to have served in the U.S. Army ROTC/National Guard from 1984 to 1995. “Last spring we played at Club Passim in Cambridge, Mass.,” Vigoda recalls. “As I occasionally do, I mentioned from the stage that I used to be in the Army and that I still do my push-ups, even though no one is commanding me to do them. In the summer I got a phone call from the ad agency, and they sent a cameraman to film an outdoor show in August as well as interview me on camera for a military ad campaign.”

The Today’s Military campaign is “very humanistic and different,” says Vigoda, and based on the theme that “the qualities you acquire while in the military stay with you forever. They’re featuring me as well as several other veterans from various services, who have gone on to do diverse and interesting things in civilian life.”

Vigoda appears with GrooveLily in “Perseverance” print ads that have recently run in Time, People, and Sports Illustrated and evoke her stamina and follow-through in dealing with the adversities endemic in touring. “I’m in the only TV ad in the campaign,” she notes. “The music they used is the violin part from our song ‘Thaw’ from our [2000] ‘Little Light’ CD.

“The creative director of the ad agency heard me warming up with the rolling arpeggios of that song and thought it sounded like traveling music, perfect as a backdrop to the relentless-touring, hand-on-the-road vibe of the spot,” Vigoda says. “Instead of using the studio version, he preferred the ‘organic’ sound of me playing my electric violin directly into a DAX machine at the shoot.

He just let his stopwatch run for 60 seconds and ended up not editing the music at all.”

The versatile Vigoda, who writes for My Hat Music (ASCAP), has performed worldwide with Cyndi Lauper, Joe Jackson and the Trans-Siberian Orchestra. Her latest GrooveLily album, “Are We There Yet?”, came out Sept. 2. “I did Army ROTC in college to help pay for my education at Princeton and was a lieutenant in the Army National Guard afterward,” she says. “I never dreamed it would come back into my life this way—and I’m proud and honored to be involved in this campaign.”

RONDOR TRACKS TRAK STARZ: Hip-hop songwriting/production team Trak Starz has inked a publishing deal with Rondor Music International, a division of Universal Music Group. Trak Starz produced and co-wrote Chingy’s album “Jackpot.”

WARNER BROS. TURNS THE TABLES: Warner Bros. Publications has issued “The Turntable DJ,” an instructional book/double LP set created by Ben James with DJs 3Hz and KNS.

Part of its Ultimate Beginner Series® DJ Styles series, the set is an intro into scratching and mixing techniques and includes a detailed gear guide, as well as tips on cueing up, locating songs, marking records, beat-matching, mixing, and remixing.

Music theory and notation for DJs is also covered, as well as background material on DJing. The $19.95 set includes two identical 7-inch vinyl records for scratching practice.

* The book also reveals the secrets of the baby scratch, the forward scratch, the reverse scratch, the stab, the chirp, the tear, the transform, the crab and beat chops.

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**Songwriters & Publishers**

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**Words & Music**

By Jim Bessman

jbezzman@billboard.com

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**Awards And Signings In Pictures**

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**Pea Pickers.** The Black Eyed Peas recently performed at SOB’s in New York and visited backstage with their new publisher, Cherry Lane Music Publishing. Pictured, from left, are the group’s manager and DAS Communications head, David Sonesberg; A&M Records president Ron Fair and the group’s attorney, Fred Davis.

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**Hammond Blows In.** Windswept recently signed Albert Hammond Music for worldwide publishing administration. The pact covers such classic hits as “Don’t Turn Around,” “To All the Girls I’ve Loved Before,” “When I Need You,” and “Nothing’s Gonna Stop Us Now.” Pictured celebrating the agreement in Windswept’s Beverly Hills offices are Hammond, left, and Windswept senior VP of film and TV music John Anderson.

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**In Sammy’s Shadow.** Acclaimed singer/songwriter Josh Ritter, who was an audience favorite at ASCAP’s Sundance Music Cafe earlier this year, recently received the ASCAP Foundation Sammy Cahn Award in Los Angeles. The cash award is given to promising lyricists who have participated in ASCAP’s songwriter workshops and showcases. Pictured at the presentation, from left, are ASCAP’s Sue Devine and ASCAP CEO John LoPrumento.

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**UMPG Nabs a Bad Guy.** Universal Music Publishing Group (UMPG) has signed George Thorogood to a world administration deal, excluding the U.S. The deal includes the artist’s albums “Baddest of George Thorogood & the Destroyers,” “Move It On Over,” “Born to Be Bad” and “Maverick,” as well as his self-penned crossover hit “Bad to the Bone.” Pictured at the signing, from left, are UMG Worldwide president David Rence; UMG senior VP of acquisitions Linda A. Newmark and Thorogood’s attorney, Neil B. Fischer.

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**Landing the Big One.** Windswept recently signed Albert Hammond Music for worldwide publishing administration. The pact covers such classic hits as “Don’t Turn Around,” “To All the Girls I’ve Loved Before,” “When I Need You,” and “Nothing’s Gonna Stop Us Now.” Pictured celebrating the agreement in Windswept’s Beverly Hills offices are Hammond, left, and Windswept senior VP of film and TV music John Anderson.
Microsoft is attempting to build consumer acceptance of its Xbox gaming system by aggressively touting its music capabilities and marketing the product to music fans.

Among the company's initiatives are tour sponsorships and gaming demos at concerts, music licensing and doling out gaming systems to tastemaker artists.

"With [its] CD and DVD play capability, [research shows that] Xbox is becoming a jukebox and movie player for our gamers," says David Hufford, Xbox group product manager.

For the coming holiday season, Microsoft's Xbox videogame console group is working on multiple fronts to accelerate its involvement with music. Xbox is looking at chain-specific promotions in fourth-quarter 2003. Holiday radio concert sponsorships—offering Xbox console, game and accessory prizes—are also in the works for multiple markets. Already confirmed are initiatives with modern KROQ Los Angeles' Acoustic Christmas, modern WPly (101) Philadelphia's FEASTool, rhythm top 40 WUMN Boston's 12 Days of Christmas and R&B KMEL/AKYL.San Francisco's Bomb Concert II.

Xbox worldwide retail sales and marketing VP Mitch Koch points out that for all these projects, the company has been working more closely with the labels to share plans on long-lead activities—including videos, promotions and individual concerts and venue tours.

"We're huge fans of the power of music and recognize that games, music and movies are forging a strong bond," Koch says. "Nontraditional outlets are important in terms of reaching the broader public."

Microsoft also wants to expand the appeal of Xbox by marketing the system at live-music events and developing music-specific products.

Toward that end, the company recently finished a sponsorship of this year's Lollapalooza tour. Microsoft is releasing the release of a Music Mixer accessory for Xbox. And games are being developed with many licensed tracks, as well as original music by major and up-and-coming artists.

"Music and movie retail channels will" (Continued on page 52)

Handleman Closes Fiscal Year With Revenue Growth

BY ED CHRISTMAN

Despite closing some 600 Kmart stores, the Handleman Co. managed to build its revenue base by 2.3%, finishing its fiscal year with sales of $1.36 billion. That is up from the $1.33 billion the company had in its previous year.

What's more, Handleman says it will enjoy a modest revenue boost in its current fiscal year, despite the recent loss of the Meijer account, which generated $35 million for the Troy, Mich.-based rackjobber. In the current year, Handleman projects earnings to be in the range of $1.80 to $1.88 per diluted share.

But business is off to a slow start in the new fiscal year. Sales for the first quarter were $224.3 million, compared with $277.2 million for first-quarter 2002.

Net income was $1.7 million, or 7 cents per share, compared with $2.7 million, or 10 cents per share, for the first quarter of last year.

Handleman chairman/CEO Stephen Strome points out that "the first quarter has historically been the company's weakest for both sales and earnings." But he adds that the lower sales level this year reflects more than seasonality. Other factors affecting first-quarter results include the closing of more than 300 stores by Kmart and the sale of Madacy Entertainment, both of which took place earlier this calendar year, as well as an 8% decline in overall music industry sales during the first quarter.

"As we approach the upcoming holiday selling season, we expect music sales to improve with an increasing number of new releases," Strome adds.

In filing its 10-K, Handleman restated its year-end revenue numbers downward by $10 million to reflect changes in booking revenue from product shipped in the last three days of a fiscal quarter to the following quarter. Also, for the first time, Handleman now counts expenses incurred in preparing and distributing product to customers as part of cost of goods instead of expenses.

As it was, for the year ending May 3, Handleman posted net income of $77.7 million or $1.06 per diluted share, which was down 24.5% from the $36.9 million, or $1.38 per share in earnings, it posted in the previous fiscal year. But the year that ended May 3 was a 53-week year vs. the 52 weeks that were in the prior fiscal year.

In looking at the income statement, gross margin was 21.4% this year, down slightly from 21.6% last year, while selling, general and administrative expenses were 16.2%, down significantly from 17.1% in the previous year.

Earnings before interest, taxes, depreciation and amortization were $88 million, while operating income was $36.8 million. In the previous year, earnings were $94.4 million.

Last year, however, the company took more writeoffs, with the largest—a pretax charge of $28 million—attributed to selling independent label/distributor Madacy back to its founder, Ames Apple.

Handleman sold Madacy for about $32.1 million, including $5.5 million in notes. The company says it lost $9.5 million on the sale.

Handleman also recorded a $5.1 million pre-tax impairment charge related to the dismantling of its e-commerce subsidiary, Handleman discontinued its Web site hosting and maintenance services while deciding to focus on fulfillment services for online stores.

Other charges were related to two transactions, each for $1 million, with vendors to sub.
Xbox
Continued from page 51
be key outlets to target as the videogame industry continues to expand in terms of demographics and broaden its approach with products like our new Music Mixer," Koch says.

At the big E3 games expo in L.A. in May, Jane’s Addiction’s Dave Navarro and Perry Farrell—the co-founder and organizer of Lollapalooza—sang “Love Shack” and “Red Red Wine” in a demo of the Xbox Music Mixer.

Geffen’s Snoop Dogg hosted the Xbox Live Ultimate Championship and unveiled the new game “Inside Drive 2004.”

As a presenting sponsor of the 29-date Lollapalooza tour that kicked off July 5 and wound up Aug. 24 at Columbia Meadows in St. Helens, Ore., Xbox reaped benefits from its under-entertainment setup of some 75 Xbox consoles for consumer gameplay.

“We were really happy [because] about 500,000 people interacted with our Xbox games and our Music Mixer over the summer,” Xbox brand marketing director Bill Nelson says.

He reports that the tent was full most of the time from the 11 a.m. opening through to the main stage event, which was usually around 5 p.m.

At each tour stop, a stage was set up for local tournament play. Highlights were shown between sets on the large video screen, with winners called onstage to receive trophies.

“People want their entertainment to be interactive now,” Navarro observes.

Sandy Ting, senior business development manager for Microsoft Game Studios (MGS), a key first-party Xbox game developer, points out that acts like Jane’s Addiction are becoming aware of the Xbox’s sound quality—it offers Dolby Digital 5.1 surround sound—as well as the promotional value of including music in games. “The music industry is starting to realize that there’s real promo value in the repetitive ‘airplay’ that in-game music gets, and there’s a growing correlation between CD sales of music heard in the game.”

MGS has also released original soundtrack CDs on its Ensemble Studios label for Halo, Age of Mythology and, most recently, Rise of Nations, which is believed to be the first Dolby Digital 5.1 surround sound game soundtrack.

For the upcoming Project Gotham Racing 2, players can tune in online to three real local radio stations from each city in the game.

Each station has a unique playlist, programmed with a wide selection of music from such majors as Universal Music Group and Warner Music to indies like ArtistDirect, XL Productions and Touch & Go.

“We have approximately 200 tracks in the game,” notes Lily Kohn, Microsoft Consumer Group music licensing manager. Among the acts with licensed tracks are Drapht (Intercope/Universal), Autopilot Off (Island Def Jam/Universal), Trapt and the Used (Warner Bros.), Tyrese and Erick Sermon (J Records), Uncle Kracker and Simple Plan (Lava) and Smiles & Soulstar (ArtistDirect).

Kohn handles virtually all the licensing work, approaching the record labels on its behalf and the artists and the music publishers on behalf of itself and their composers.

“We often talk to the labels, artists’ managers or their attorneys to see who on their rosters would be interested in participating and then, of course, work out the deals and licensing with the labels and publishers,” she explains.

A complimentary Xbox Exhibition program was launched last November for retailers, with a sample interactive DVD including game demos and music videos released about every four months.

The most recent—“Volume 3,” distributed in July—included videos from UMG acts Depsea, Rooney, Queens of the Stone Age, Trail of Dead and Woven. It has been very well-received, according to Nelson.

At E3, veteran writer/producer and double-Grammy Award winner Nile Rodgers acted as a consultant on the Music Mixer program.

“The $39.95 accessory, which hits stores in November, allows Xbox gamers to play DVDs and CDs, view photos, store digital music files, play games online and use the Xbox as a karaoke machine.”

“It expands the way people play, share and interact with music," Rodgers says, “allowing any player to be a [record] producer, DJ or even an American Idol.”
The Universal Music Group has just reinvented the wheel and now the only question is, will the new version roll smoothly? Regardless, this pricing move is gigantic. It puts Jim Urie up there with the Paul Smith/Henry Droz orbit of the distribution giants. If you don’t know who those late, great men are, do go your homework.

Was Urie the sole author of the move? Undoubtedly not. The gambit was probably shaped by many UMG executives from all walks of the company. But as the head salesman in the company, Urie had to play a key role in guiding the dialogue that led to this decision. It’s been a long while since label heads and top corporate executives have allowed distribution to play such a part in shaping corporate policy, beyond the internal lip-servicing of retail concerns. For that alone, Urie deserves accolades.

Similarly, Doug Morris, Zach Horowitz and the UMG label heads also deserve kudos for having the intestinal fortitude to gamble on changing the business model. Make no mistake: In Retail Track’s view, there isn’t any justification to question UMG’s end goal of lowering prices for shoppers. But the devil is in the details, as they say, and that is where many questions are being raised.

While the mainstream press is captivated by the lower pricing the UMG move offers, many within the industry are focusing on the elimination of cooperative advertising dollars. To what I expect will be the chagrin of music retail, I understand why UMG took a stand on cooperative advertising dollars.

Somehow, during the past decade, in a series of tit-for-tat moves between labels and retailers, most merchants were forced to rely on cooperative advertising funds as the cornerstone of their business model. If the squeeze for cooperative advertising dollars became untenable for label and distribution executives, somewhere along the way those very same executives forgot what cooperative advertising has traditionally meant in the music industry.

Initially, it meant that the label would pay for the advertising and the retailers would price and position the designated title to drive sales. But why should retail lose money so that the labels can profit by an explosion in sales? Back when the music industry, it put...
Universal Music Group’s announcement that it is dropping its front-line prices—a move called “the Unibomb” by one indie wag—has prompted curiosity and some nervousness among indie distributors and labels.

For the moment, a wait-and-see philosophy prevails, with most indies hanging on to learn if the other majors will adopt price cuts similar to those Universal instituted last week (Billboard, Sept. 13). “It’s early days,” Koch Entertainment Distribution president Michael Rosenberg says. “The question is, What will retail do and what will the other majors do, and then what will that require us to do?”

At press time, none of the other majors had announced any plans to follow Universal’s lead. That necessarily has had an impact on what some of the major-owned indie distributors can say on the record. Through a spokeswoman, Ken Antonelli, president of Sony-owned RED Distribution, declined to comment about pricing to The Indies. Rick Williams, GM of EMI-owned Caroline Distribution, also declines to discuss the pricing issue directly but does say his labels have been contacting him about the question. Williams says, “They’re saying, ‘What do you think’s going to happen?’ And I don’t have an answer, because I just don’t know. It’s such a dramatic move. I think the independents will wait and see what happens with the majors.”

But he adds, “so many of our independent labels have good pricing. Over 60% of what we carry is priced at $13.98 or less already, and that’s before discounts.”

Rykodisc Distribution president Jim Cuomo says, “Guys are asking, Does this mean I have to put my No. 1 release out at $12.98? The answer, obviously, is ‘No.’”

Regarding the potential impact of Universal’s price slash and possible follow-through by the other majors, Cuomo says that the independents “don’t have a lot of clout, so as the industry goes, so will go the independents. But I still contend that people will pay the higher price for a quality release. I don’t think pricing is such a desperate issue.”

“Everybody’s taking a wait-and-see attitude,” says Bill Baumann, president/COO of Bayside Distribution. “But I’m not going to wait three months and lose business.”

Response from Bayside’s labels has varied. “Everyone’s so different,” Baumann says. “Some of them are saying, ‘I’m not going to do a damn thing,’ and others are saying, ‘What can we do to compete?’”

Steve Pritchett, senior VP/GM at Navaire Entertainment Media, maintains that the indies are already pricing competitively. Pritchett says, “When you take a $17.98 release, which is $11.75 wholesale, and you put in a typical 7% discount and figure $1.75 in cop-op per piece, the net to the [retail] customer comes out to $9.18. which is only 9 cents more than Universal’s price [on its new $12.98 list product.] It’s in the ballpark.”

He adds, “I don’t have a huge need to hit the panic button.”

Kevin Welk, president of Welk Music Group—possibly the biggest self-distributed indie operation in the country—says that Universal’s move would have a major impact if the indies were forced to follow suit. Welk asks, “If I’m this little label, and this price comes into effect universally, what happens to my costs? It’s going to put a major squeeze on independent labels.”

As for the Welk Group’s immediate strategy regarding pricing, Welk says, “In the short term, we’re not changing our situation. If all the majors get involved, I’m going to have to take a serious look at it.”

NOT-SO-DUMB DEAL: Koch Entertainment Distribution has signed an exclusive U.S. distribution deal with Los Angeles-based Superb Records to handle the company’s Music for Dummies product line and other select titles. Superb has an exclusive licensing agreement with Wiley Publishing for rights to issue audio compilations under the publisher’s Music for Dummies trademark. First titles will include “ ’70s Soul for Dummies,” “ ’80s Pop for Dummies,” “ ’90s Soul for Dummies,” “Neo-Soul for Dummies,” “Pop and Rock Divas for Dummies” and “Classic Rock for Dummies.”

Handleman

Continued from page 51

A subsidiary of North Coast Entertainment that should have been reflected as financing transactions instead of revenue. The company reported that the Securities and Exchange Commission is investigating those transactions, which resulted in an executive being fired from Handleman.

In looking at revenue by company, the recording and fulfillment business, known as Handleman Entertainment Resources (HER), accounts for 92% of Handleman’s revenue. Its music and video label, North Coast, accounts for 8% of revenue, or $127 million. All of its sales growth came from HER last year.

Handleman has operations in the U.S. (which generated $1.04 billion of its revenue), the U.K. (where revenue was $198.2 million), Canada ($103 million) and Mexico and South America ($11.9 million).

Looking at revenue by account, Handleman disclosed that Wal-Mart accounts for 51% of its revenue; Kmart stands at 27%.

The Handleman balance sheet shows that cash on hand stood at $62.7 million at year-end, up from $20.2 million at the end of the previous year. At year-end, accounts payable were $159.7 million, while inventory was recorded at $120 million and accounts receivables totaled $202 million. Long-term debt totaled $7.1 million.

The company has a $170 million revolving credit facility supplied by a consortium of banks. Handleman’s revolver is one of the few account credit facilities that is not secured by inventory.

At year’s end, based on the facility’s lending formula, Handleman was eligible to draw down $167 million of the revolver. But none of it had been drawn down at year’s end, as the company has been using cash to fund operations.
Sundance Expands Indie Film Brand

BY CATHERINE CELLA

Sundance. The place where independent films are celebrated is now a DVD brand—one whose level of success has surprised even its creators. Launched in fall 2002 with two titles, Sundance Channel Home Entertainment will have released another eight titles by the end of this year and projects 12 to 15 for 2004.

Managing partner Showtime Entertainment handles distribution, but it is the Sundance brand that is prominently displayed on the box.

"Sundance is the independent film world’s brand name," Sundance Channel senior VP film programming Paola Freccero says. "People interested in non-Hollywood product pick up our boxes just because of the name.

Kevin Hasslen, senior manager of purchasing for Hollywood Video’s nearly 1,500 stores, agrees. "They see ‘Sundance’ on a box [and] know it’s going to be quality, guaranteed. These titles have performed substantially better than others at the same box-office position."

Hasslen relates his surprise at the success of Sundance’s first DVD, "Scotland, PA," a dark, Macbeth-in-a-diner comedy starring Maura Tierney andChristopher Walken. "The stars are the big pull, but the cover is a bloody spatula," he recalls thinking, "What are they thinking?"

Sundance’s thinking, of course, was nontraditional. Freccero explains: "It veers from the traditional, floating-head artwork of the video world and therefore leaves off the shell."

"Scotland, PA" has indeed done that, selling nearly double the projected numbers, based on how box office translates to home video—and the film’s very limited theatrical release. Sundance expected to sell about 40,000 units.

"Scotland" blew all our expectations away," Freccero says. "We have done over $1 million in revenue and sold about 75,000 units. That made us think we could take strong independent films and give them a life on video that wouldn’t be there if you followed traditional box-office patterns."

This philosophy was a perfect match for Showtime, according to senior VP of program enterprises and distribution Sarah Noble.

"We've had a long history in the marketplace with independent films, and (Sundance) was pleased with what we were doing with ‘Queer as Folk’ and Showtime films," she explains.

Getting personal attention was a plus. "We like to say we’re a small, entrepreneurial division within a very large corporate setting," Frencakel says of Showtime’s role within the larger Viacom empire.

The Sundance label looks beyond the fact that those films come out of the Sundance Institute or Festival. The common thread is they reflect Robert Redford’s definition of independent film as diverse, risky and outside of the mainstream.

"These films embody the spirit of independence—often meaning ‘quirky’ and made with a low budget," Frencakel says. The common thread is they tend to be critically acclaimed little gems."

Take "The Hired Hand," which arrives Oct. 28 (Collector’s Edition DVD, $39.98; DVD/VHS, $19.98). Frencakel expects to broaden the brand because of the Western genre’s appeal across demographics. The 1971 revisionist film—starring and directed by Peter Fonda—has recently enjoyed a new life on the festival circuit.

"We felt this was one of the original independent films," Freccero says. "So we worked with Peter to set up an all-in-one tour where the film would go to the festivals and he would visit retailers.”

Sundance also is serving up "Melvin Goes to Dinner" Dec. 16 (DVD $29.99, VHS rental. This directorial debut of Bob Odenkirk ("Mr. Show") stars writer Michael Blieden in a "My Dinner With Andre" for the new millennium. A loosely connected story of one man and two women—chew over timely and tart topics in a film so real that it feels as though its audience is eavesdropping."

Sundance plans to expand its consumer marketing to include online and magazine contests and promotions. People are not accustomed to requesting brands in video stores, and Sundance wants to change that.

The brand will continue to build through various kinds of balancing act. In product selection, for example, Freccero has seen stronger titles—mainly Scotland, PA” and “Amy’s O”—make smaller ones viable.

“We wanted to have enough titles that performed well to make it economically viable [for] titles that wouldn’t necessarily blow away a record but deserved to be seen," Freccero says.

Title expansion means adding to both ends of that spectrum and including foreign, Latin/world music, language and very small films.

Courting both retail and sell-thru, the Internet is ideal for Sundance DVD. Freccero refers to the channel’s concept of its audience having a psychographic rather than a demographic.

"They’re interested in something a little different," Freccero says. "They tend to shop where they can find everything under the sun, such as amazon.com."

The company is looking for market expansion through the Sundance Film Series, a partnership with Loewes Theaters. The first theatrical premiere, held Aug. 29, was Spain’s highest grosser of 2002. "The Other Side of the Bed." Three more films will debut by Oct. 31, with plans in the works for future film series.

The whole idea is that the film series will provide consumer awareness," Freccero says. "By the time these films get to DVD, they will have a head start."

Shanachie Brings Its World-Music Savvy To DVD

BY JIM BESSMAN

World-music institution Shanachie Entertainment is turning to two big names in the genre for a new vanguard of music videos. Angélique Kidjo and the late Compa Segundo will be featured in the Oct. 21 releases “The Amazon” and “A Cuban Legend,” respectively.

Shanachie launched its video division 15 years ago with the acclaimed Beats of My Heart world-music series. Other titles in the World Music Portraits series, which were made by French production company Arte and originally aired on French TV, will star such legendary musicians as Mali’s Salif Keita, Jamaica’s Jimmy Cliff, Cape Verde’s Cesaria Evora, Algerian, Irish Mamí and the late Nusrat Fateh Ali Khan of Pakistan. Relative newcomers include Brazil’s Carlinhos Brown. These releases will coincide in Jan. 2004.

The $19.98 DVD programs will also be available on VHS.

The new series differs from Beats of My Heart in that it offers in-depth portraits of individual artists rather than genre overviews, Shanachie GM Randall Grass notes.

“We were looking for content that made sense for us to market, being that world music is one that we know," Grass says, citing the extensive world-music side of the Shanachie company’s audio music business.

He adds that Shanachie was selective in its choice of Arte product to offer domestic consumers.

“We wanted DVDs with exciting footage," he continues. “But the performers were selected according to name recognition: Jimmy Cliff is obviously one of the worldwide reggae legends, and his DVD has some surprising personal stuff, with him in Jamaica. Sálif Keita is one of the great voices of Africa, while Cesaria Evora is one of the best world-music artists in terms of sales in this country.”

“Angélique Kidjo is on the rise and opened for Santana on his last tour," Grass continues. He says Mami’s duet with Sting on Sting’s "Desert Rose" brought him recognition beyond his traditional base, and Nusrat was one of the world’s great voices and reached beyond the world-music audience through his collaborations with people like Peter Gabriel. Compa just passed away, but he was one of the stars of Buena Vista Social Club. That’s the type of criteria we used to select the titles.

Shanachie couldn’t have picked a handful of better artists to start an original music documentary brand—Roberts Books & Music Latin/world-music buyer Erika Grande, saluting the label’s marketing expertise. “If this is like everything else they do, it will be successful, because they’re very thorough.”

Shanachie sales and marketing VP Rick Rosenberg does note, though, that the company is still “on the learning curve” when it comes to DVD.

“Prior to this, our DVD titles were releases of videos, which didn’t require a whole lot of marketing," he says. “But this is a new line that obviously involves some effort.”

The label’s charge, he says, is to educate vendors that “these aren’t typical music documentaries but world music portraits that portray artists in all the elements of their land and show how they develop their artistry.”

Grande picks up on Rosenberg’s educational goal and applies it to the consumer.

“We need to educate them even further—specifically—these DVDs do precisely that," she says. “As a buyer, they help me plan ahead and see that they could actually be something meaningful at retail." Rosenberg expects Borders to be a “major partner for us” and also singles out Barnes & Noble, Tower and video sell-through chains Musicland and Trans World as major players.

“It’s important for us to recognize who our retailers are for these titles, because they’re not for everybody," Rosenberg says.

He is encouraged, though, by the reception at a Koch national sales conference. “It was the most enthusiastic response I’ve ever received on a new product—and I’ve been presenting to sales conferences a long time,” he says. Shanachie will promote the World Music Portraits titles at retail with endcaps, speed tables, posters and flats, Rosenberg says.

“We’ll offer aggressive sales pricing and positioning,” he says, “not hard task for us because there are so many titles, but the consumers to see during the busy fourth-quarter rush.”

The label will also look at direct-to-consumer marketing strategies, such as print advertising and postcard and e-mail campaigns. “Compa Segundo, being an important part of Buena Vista Club, has an intact fan base that we can tap into." Grass says.

Grass says that if the initial titles perform well, other Arte DVD titles may follow.

But he emphasizes that Shanachie Entertainment’s DVD catalog is hard- ly consigned to world music alone.

“We have Abbott & Costello TV shows, documentaries about other kinds of music like [celebrated bluegrass documentary] ‘High and Lonesome,’ and others about seemingly more obscure topics like the Wright Brothers that have steady sales from museums devoted to flight," Grass says. “So we have alternative DVD distribution channels and are looking at other things all the time."
Oz Court Delivers Mixed Verdict For Universal, Warner

BY CHRISTIE ELEIZER

SYDNEY—After a high-profile court battle here concerning anti-competitive practices and the alleged misuse of market power by two major labels, both sides are claiming victory.

Universal Music Australia (UMA) and Warner Music Australia (WMA) had jointly appealed a 2001 Federal Court judgment that they had abused their market power and were involved in illegal "exclusive dealing.

"The full bench of the Federal Court in Sydney (Justices Murray Wilcox, Robert French and Roger Gyles) ruled Aug. 22 that UMA and WMA were not guilty on the first charge, as they do not have a "substantial" degree of market power in Australia, but agreed that the companies had been guilty of anti-competitive practices.

George Ash, managing director of WMA, says, "Universal's position has always been that it did not have a substantial degree of market power. We are delighted that this position has been vindicated."

UMA claims a market-leading 24% share (PolyGram's was 17.5% in 1999) here, and WMA claims 18%. WMA chairman Shaun James comments: "In other industries, it would be absurd to suggest that any company with less than 30% share had 'market power'."

But Australian Competition and Consumer Commission (ACCC) chairman Graeme Samuel insists that the court's decision to uphold the ruling on anti-competitive practices sends "a strong message" to record companies. One result of the resolution of the case, he says, should be that consumers will "benefit from lower prices and greater choices."

The original case was brought in 1999 by the ACCC, an Australian government body responsible for ensuring compliance with the Trade Practices Act of 1974. It charged that after a July 1998 relaxation of parallel import regulations, WMA and PolyGram Music Australia (later merged into UMA) threatened to cut off the supply of Australian-manufactured CDs and advertising support from Australian retailers that stock the cheaper imported CDs.

The case went before the Federal Court, and in December 2001, Justice Graham Hill found that UMA and WMA had each contravened the Trade Practices Act of 1974 on two counts. The breaches were under Section 46, which covers misuse of market power, and Section 47, which deals with restrictions on trade (Continued on page 60)

U.K. Execs Divided Over Merits Of Cheaper Singles

BY EMMANUEL LEGRAND

LONDON—Despite the reservations expressed by competitors and some retailers, EMI Recorded Music U.K. and Ireland is moving forward with its new pricing initiative for singles.

The company confirmed during its Sept. 2 retail presentation in London that Sept. 6 would see the launch of a three-tier pricing structure for its singles. Two-track singles will have a suggested retail price of £1.99 ($3.16), enhanced singles with such value-added features as DVD tracks would be proposed at £2.99 ($4.75) and "superstar/blockbuster"-type releases will go for £3.99 ($6.34).

Tony Wadsworth, chairman/CEO of EMI Recorded Music UK, told delegates that the British singles market needs urgent action, following a 43% drop in shipments during the first half of the year. "If that isn't signalling time for a change, then I don't know what is," he said. "It's simple: There is a problem with the singles market—a market that we feel is valuable in the overall dynamics of the U.K. industry, promoting store traffic and giving kids a cheap point of entry into music buying."

Wadsworth added that research showed that consumers perceived singles as being too expensive, that singles pricing was confusing and that most of them wanted simple products.

Wadsworth tells Billboard that retailers are looking at the initiative with interest, but he adds that it is too soon to evaluate the impact of the measure on the market. But he is quite critical of some of his competitors, whom he describes as "waiting for us to fuck up, which amazes me."

"We've got to try," he says. "At least give us credit for trying. If it works, it will not simply benefit EMI but..." (Continued on page 61)
### HITS OF THE WORLD

#### JAPAN

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<td>JE VOULAS TE DIRE QUE JE TATTENDS DES CHERCHEURS</td>
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**Hits of the World is compiled at Billboard/London.**
The 892 label, an offshoot of the famous Belgrade free radio station championed by R.E.M., has released its third collection of Serbia's hottest dance and house music. "Belgrade Cotile Shop 3" (B92/ Stereo Freeze) contains 11 tracks, compiled by label head Vlada Janic. "It's the best yet, because the production levels have improved significantly," Janic says. The 892 label was created in 1999 as part of a wider, independent media network. The radio station of the same name was known through the 1990s for its opposition to former Serbian dictator Slobodan Milosevic. Alongside veterans of previous compilations—including acts as Darwood Dub, J.U.S.T, and Modern Quartet—"BC93" features such newcomers as Tubecan and P.O.S. "BC93" is available at retail in Serbia and Montenegro. The rest of the world may find it at B92.net; plans for a full release in other European territories are under way. TAYFUN KESGIN

"Talk About," the debut album due next month from Irene Nonis, a native of Gagian in Sarinina, Nonis writes...
Workman Strikes A Chord In Canada, France

BY LARRY LEBLANC

TORONTO—On the eve of the release of his third album, Canadian modern rock singer/songwriter Hawksley Workman has been pleasantly surprised by the reaction to his new material on the other side of the Atlantic.

Workman’s Mercury Records single, “We Will Still Need a Song,” from his album “Lover/Fighter,” is in the top 40 on the Yacast airplay chart in France.

“Driving in from the airport in Paris, I’ll hear my song three times on three separate stations in 20 minutes,” he explains. “That’s the sort of thing you dreamed about as a kid.”

In France, the track has been embraced by the national Europe 2 and NRJ CHR networks, as well as by Paris-based rock station Oui FM; Swiss regional public broadcaster Couleur 3 has also picked up the track.

“Lover/Fighter” was issued Sept, 9 in Canada by Universal Music. That will be followed by a Sept. 22 international release through Universal in 13 countries, including France, Germany, Italy, Sweden, Australia and the U.K. No U.S. release is yet scheduled.

As with his previous albums, “For Him and the Girls” (1999) and “(Last Night We Were) The Delicious Wolves” (2001), both released on his own Isadora Records imprint and distributed through Universal in Canada, the new recording showcases Workman’s talents as a gifted one-man band. It was recorded last winter in his Hunteville, Ontario, studio, the Schoolhouse.

Mercury Records France international marketing manager Jean Christophe Harel says of the album: “It has beautiful songs written in a beautiful way. Indie press, indie radio and mainstream media here are all interested in Hawksley, because he’s a real artist.”

“Hawksley has turned out a magnificent record,” agrees Randy Lennox, president/CEO of Universal Music Canada. “He made the record his way.”

Noting that his previous albums were recorded in less than three weeks apiece, compared with eight months for “Lover/Fighter,” Workman says: “I wanted to be concise and focused but make a record that could comfortably exist in a stadium atmosphere. Whether I have a hit or not, I feel like I’m on top of my game right now.”

The album’s lead single in Canada is “Anger as Beauty,” which was serviced to Canadian rock radio July 3. It was No. 17 on the Nielsen Broadcast Data Systems rock chart for Canada at press time. “What blew me away was the first-week airplay action,” Universal Music Canada national promotion manager Jeremy Summers says. “Seven major stations immediately came in. This sets us up to go next with ‘We Will Still Need a Song.’”

Workman’s success in France is built on three years of work by his previous label there, Paris-based independent Recall. In addition, he relocated from Toronto to Paris in October 2001 for nearly a year and toured Europe with such acts as David Bowie, Patti Smith and the Cure.

The motivation behind Workman’s Paris move was partly to take advantage of the European launch of “The Delicious Wolves,” partly to write new material, and partly to put some private time back into his daily calendar. “The Delicious Wolves” duly racked up sales of 22,000 units in France.

“Hawksley and France developed a sort of love affair,” says Paris-based independent plugger Dominique Marie, who works with Recall. “He spent a lot of time here and toured constantly, with support from specialist media and local radio that built up his profile.

When Workman signed a publishing agreement with Universal Music Publishing France in 2001, he also co-wrote with such respected French names as Johnny Hallyday, Tommy Hools and Aston Villa.

Workman’s career trajectory in Canada has been equally steep. Three years ago, he was playing to 200 people at the Rivoli in Toronto. But a year later, with rock radio support of his song “Stripetease” from “The Delicious Wolves,” he drew 1,000 people to the city’s Phoenix venue. He was also named top new solo artist at Canada’s Juno Awards.

Workman starts a 20-date Canadian national tour Sept. 17 in Ottawa. He is managed by Pandaymonium/William Tenn Management in Toronto and booked by Toronto-based Pasquin Entertainment Agency.

“Canadian [talent] buyers are committed to Hawksley,” Pasquin booker Rob Zifferli claims. “They have watched him grow from performing in small clubs to [performing in] small theaters.”

Workman says he is stimulated about being directly signed to Universal after toiling as an independent artist. “I now have the most powerful record label in the world in my corner,” he says, “and they’re coming out swinging—which is crazy for an artist the [Canadian] press once called ‘too crazy to understand.’”

Arabian ‘Idol’

Continued from page 57

Pitman was also the only Westerner to be featured on “Arab Superstar.” He says, “I was invited to attend as a guest judge. I’m not exactly [Arabic] ‘Idol’ American Idol’ judge Simon Cowell, but I did my bit to show the support of Warner.

The eight weekly episodes of “Arab Superstar” featured hopefuls from 15 countries, covering a variety of musical styles from Arabic pop to traditional dance and classical music; there was no Western pop. Some 10,000 entrants originally applied to appear on the show.

Karzon was “the most versatile and succeeded in all genres over the eight weeks,” according to Carl Abu Malham, WMI resident director at Beirut-based Music Master International.

Karzon, who collected 52% of the finale’s 4.8 million votes, says she has never seen the original “Pop Idol” series. “They told me about the show, and I liked the voting idea—that people can be a part of the show,” she says.

“To be honest, I knew it was a big program, but I didn’t realize what it was going to be like.”

Karzon has been singing since the age of 9 and wants to perform in the U.S. one day. “I would like to go there, because I do want to change the bad image that some [Americans] have about Arab people,” she says.

Malham describes the regional impact of the show as “like an earthquake, on a social level. It was the first time the Arab world had voted and participated in the creation of a TV program.”

Malham claims that “Arab Superstar” has also revived interest in the flagging local music scene. Music in the region, he says, “had not been evolving—it was stagnating. This show introduced a new generation of singers; it will be a catalyst for change.”

Given the regional interest in “Arab Superstar,” Warner, in collaboration with MMI, is rush-releasing Karzon’s debut album, provisionally titled “Diana Karzon—Superstar.” Sept. 27 in nine countries. MMI has operations in Lebanon, Saudi Arabia and Dubai and has worked with Warner Music for the past 17 years.

“We don’t know at this stage if it will be a more global effort,” Pitman says. His label will also be exercising its right to sign some of the other finalists.

Although “Arab Superstar” featured only cover versions of popular Arabic songs, Karzon’s set will comprise original compositions. “There is pirate product already in the market of material used in the broadcasts,” Pitman explains. “New material gives us more control and security and will give us a head start against the pirates.”

Oz Court

Continued from page 57

with anti-competitive behavior.

Under the Trade Practices Act, misuse of market power occurs when a company has a “substantial degree” of power in that market that it uses to damage competitors or hinder a company from engaging in competitive practices. Exclusive dealing—a term that covers a number of practices—is deemed to be illegal under the act if it is done with the aim of “substantially lessening competition.”

In their ruling, the judges said: “No contravention of [Section] 46 was proven. However, we agree with Hill that both Universal and Warner contravened [Section] 47 of the Trade Practices Act by engaging in exclusive dealing and that their executives were knowingly concerned in their respective contraventions.”

The court noted that the WMA and UMA anti-competitive activity was “short-lived.”

Ash says: “While Universal is disappointed with the Full Court’s finding in relation to Section 47, the market power issue is—and always was—the central issue in this case. We are considering our position in relation to the Section 47 finding.”

Adelaide-based entertainment lawyer John Kelly, a partner at Kelly & Associates, comments: “The antitrust or anti-competition regime built into the Trade Practices Act makes it crucial for all players in the market to assess their conduct in terms of protecting market share to ensure it is not anti-competitive. As in the current case, escaping liability under one provision may not mean liability will not attach under another part of the act.”

The new ruling saw the companies’ fines, originally set in March 2002, increased from $450,000 Australian ($285,000) to $1 million Australian ($640,000). Fines of $45,000 Australian ($29,000) each on Craig Handsley (formerly PolyGram GM of sales, Gary Smerdon (formerly WMA finance and business affairs director, now VP of finance and administration for Warner Music Asia Pacific) and Greg Maksimovic (WMA state manager of New South Wales) were confirmed by the court. Paul Dickson (formerly PolyGram Group managing director of music operations) had his fine reduced from $50,000 Australian ($32,000) to $45,000 Australian.

Additional reporting by Tom Ferguson in London.
**NEWSLINE**

**THE INTERNATIONAL WEEK IN BRIEF**

**A French court decision** on a case brought against record companies using copy-protection technology on CDs has been welcomed by labels here. Consumers’ association UFC-Que Choisir (billboard, June 21) brought the case against EMI France. The body had asked the court in Nanterre, near Paris, to rule that copy-protection devices be banned for infringing consumer rights. A Sept. 2 court ruling threw out the UFC-Que Choisir request. However, the court did rule that the listening limitations of EMI’s copy-protected CDs were “hidden” and ordered EMI to reimburse the consumer, on whose behalf UFC-Que Choisir brought the case. The CD in question was an album by Alain Souchon (Virgin), which would not play on a car stereo. The court ordered UFC-Que Choisir to pay both EMI and co-defendant retailer Auchan—where the CD was bought—2,000 euros ($2,170) each to cover court costs. “This is an important judgment,” EMI Recorded Music Continental Europe president Emmanuel de Baretel says. “It is vital for us to be able to protect our recording against illegal copying.” UFC-Que Choisir will appeal the decision not to ban copy protection. No ruling has yet been made on a similar case brought by the organization against Warner Music France.

**JAMES MARTIN**

**Simon Peck** has been promoted to operations director at London-based HMV Europe. Peck, who was divisional manager for the West Midlands, Northwest, East Midlands and Lancashire regions of England, also joins the HMV Europe board of directors. Peck replaces Simon Douglas, who, according to HMV, left in August “to pursue other interests.” In his new role, Peck reports to HMV executive director Steve Knott and takes direct responsibility for 164 HMV stores in the U.K. and Ireland. Peck joined HMV in 1991 as a sales assistant at its Bradford store and became divisional manager in April 2001.

**LARS BRANDLE**

The third annual Atlantic Waves multi-artist festival of Portuguese music takes place Oct. 27-Dec. 6 at a string of venues across London. The festival is organized by the London-based Calouste Gulbenkian Foundation through its Anglo-Portuguese Cultural Relations program, which aims to promote contemporary Portuguese culture in the U.K. and the Republic of Ireland. The foundation was set up in Lisbon, Portugal, by the estate of Calouste Gulbenkian in 1956 (one year after his death). Gulbenkian became a British citizen but later moved to Portugal. This year’s event will feature a number of established and up-and-coming Portuguese acts, many performing in the U.K. for the first time. Performers include fado singer Mariza at the Royal Festival Hall (Oct. 27), dance DJ/producer Rui da Silva making his live debut at Cargo (Nov. 17) and percussionist/composer Pedro Carneiro at the Purcell Room (Nov. 24).

**TOM FERGUSON**

V2 Records Japan, established as a joint venture between Sony Music Entertainment (Japan) and London-based crop of American Calouste Gulbenkian Foundation through its Anglo-Portuguese Cultural Relations program, which aims to promote contemporary Portuguese culture in the U.K. and the Republic of Ireland. The foundation was set up in Lisbon, Portugal, by the estate of Calouste Gulbenkian in 1956 (one year after his death). Gulbenkian became a British citizen but later moved to Portugal. This year’s event will feature a number of established and up-and-coming Portuguese acts, many performing in the U.K. for the first time. Performers include fado singer Mariza at the Royal Festival Hall (Oct. 27), dance DJ/producer Rui da Silva making his live debut at Cargo (Nov. 17) and percussionist/composer Pedro Carneiro at the Purcell Room (Nov. 24).

**STEVE McCLURE**

**Virgin Entertainment Group** is offering U.K. consumers what it claims is the cheapest pricing to date there for legal digital downloads—with some tracks available for as low as 60p per track. Through its digital music-service provider OD2, PC users in the U.K. visiting virgin.com/downloads can access a catalog of 200,000-plus digital tracks under the Virgin Megastore’s Digital Downloads banner. The Virgin package is based on a “you-pay-as-you-go” model rather than being a subscription service. Consumers buy credits to download and burn tracks; a chart single will cost £0.99 ($1.57). A maximum spend on credits of £29.99 ($47.66) would enable users to download and burn 50 chart downloads at an average of £0.60 per track. Users will also be able to access previously unreleased material and download certain tracks ahead of release. OD2 chief executive Charles Grimsdale says that Virgin’s decision to offer an alternative to the subscription model “shows that digital music can be packaged in a number of different ways to suit consumer needs.”

**TOM FERGUSON**

**Better single deals on the way**

**Steve Gallant, HMV Europe product director, says the £1.99 price point makes a “very compelling offer.”** “I don’t think it’s going to turn the singles market around on its own,” he says, “but a two-track cheap single is key to retaining the market that we’ve got. We’re going in with £1.99, and there will still be the £2.99 and £3.99 singles, with video or extra content. We certainly support what EMI is doing and hope that the rest of the industry follows suit.” Gallant adds. “There seems to be a pretty broad consensus across most of the majors that we should be moving toward this two-track solution.”

**One executive who is not convinced of the merit of EMI’s move is Universal Music U.K chairman/CEO Lucian Grainge, who hosted the company’s sales conference the day after EMI’s. He says that with the current sales levels he achieves with singles and the margins they provide, there is no point in lowering prices. “We’ve grown our [singles] market share in a declining market, so why change?” he asks.**

Wadsworth discards the notion that if several companies start offering singles at the same suggested price, it would bring about an inquiry on pricing. “These are suggested prices,” he explains, “and you can’t force retailers in any particular way. EMI is also considering shortening the window between the moment a single is serviced to radio/TV and the commercial release date. The width of that window has long been a cause of complaint among U.K. retailers. "There’s something wrong with pre-release promo windows,” Wadsworth concedes. “A six-week window is not uncommon, and our goal is to narrow that window. The issue is how much we can narrow it.”

Gallant says, “People see a single on MTV or "video jukebox" channel—we put the Box on for six or seven weeks, and by the time it comes into the shops, they’re bored with it. We need to close that window between airplay date and physical copies being available. Part and parcel of that is making a downloadable version available six or seven weeks ahead of a CD release.”

**Additional reporting by Tom Ferguson in London.”**
DTS’ Digital Sound Capabilities Proliferate

BY CHRISTOPHER WALSH

While plenty of new announcements are expected at the upcoming Audio Engineering Society Convention, scheduled for Oct. 10-13 at the Javits Convention Center in New York, Digital Theater Systems (DTS) and its label affiliate DTS Entertainment, aren’t holding back with news of recent milestones.

The 2004 Acura TL series car, which includes a DVD player as a standard feature (See Studio Monitor, this page), is the first OEM car audio system to feature DTS 5.1-channel digital surround sound in the U.S. The system will play back DVD-Audio and DTS 5.1 music discs as well as standard CDs.

“Music in 5.1 surround certainly sounds great in home theater systems,” says David DelGrosso, VP of marketing at DTS Entertainment. “But most of us are still listening to our favorite albums in our two-hour commute. Car audio is the key to creating a huge demand for 5.1 music. One car is not going to change the world, but one domino can knock down quite a few more. If you sit in that car and listen to it, you’re going to want that system.”

On Sept. 8, a concert by David Bowie at Riverside Studios in London was broadcast live in DTS 24-bit/96kHz 5.1-channel surround sound to theaters in London, Paris, Munich and Zurich, while a re-broadcast will take place Sept. 15 in the U.S. and Canada (see story, page 6).

DTS encoded the multichannel audio feed at the concert venue with its CAE-5 broadcast encoder. The encoded signal was fed to Tandberg MPEG2 equipment for global satellite delivery coordinated by Quantum Digital, and the signal received at designated cinemas was fed to DTS’ new X10 digital cinema media player, which output the multichannel audio.

DTS says that more than 200 million consumer electronics products containing DTS-licensed technology or intellectual property have been sold worldwide.

DTS-licensed consumer products include DVD players, receivers, amplifiers, videogame consoles, car audio processors and PC-based software decoders and speaker systems. DTS also licenses its technology to the pro audio industry and has released content on DVD-A and 5.1 music discs, as well as videogames for the Sony PlayStation 2 system.

DTS has also announced European distribution. Cadiz Music, based in Greenwich, England, will oversee distribution of DTSE music titles, introducing the entire line of DVD-Audio and 5.1 music discs.

The first DTSF titles available through Cadiz are both DTSF discs: “Songs for Survivors” by Graham Nash, the first major artist to release an album in the DVD-Audio format prior to its CD release. The project, in 2002; and “Halloween,” a live Frank Zappa set documenting October 1978 concerts in New York.

“We see tremendous growth potential in Europe and Asia,” DelGrosso confides. “As confused as much of the American public is about surround sound—a little bit—and format—a lot, Europe and Asia are in a mode of ‘If it sounds good, I’ll take it.’

The proliferation of surround sound music has been a long process, from the ill-fated quad format to today’s era of film soundtracks in the cinema and on DVD-Video, audio playback formats DVD-Audio and Super Audio CD and, increasingly, broadcast. If 5.1-channel art is widely adopted by consumers, it will be in large part because of the efforts of pioneers DTS and Dolby Laboratories.

As DelGrosso says, “We’re either going to get a lot of credit or a lot of blame someday.”

DVD-Audio and surround sound take a large step forward with the imminent availability of the 2004 Acura TL.

The sedan, which goes on sale Oct. 6, is the first vehicle in North America to be equipped with a standard DVD-Audio/surround sound system.

The Acura/ELS Premium Surround Sound System was designed by producer/engineer Elliot Scheiner in collaboration with Panasonic Automotive Systems Co. of America.

Surround sound in the automobile is a long-anticipated phenomenon. Labels supporting the DVD-Audio format, along with audio professionals versed in surround mixing and DVD-A authoring, are hopeful that DVD-equipped cars will propel a format still struggling to find mainstream acceptance.

Scheiner’s involvement in consumer hardware design reflects the sonic leap represented by formats such as DVD-A, a consumer playback format that can replicate what artists and engineers hear in a studio environment.

“I wanted this system to sound as close to a control room enviornment as possible,” says Scheiner, who has created 5.1-channel mixes of Queen’s “A Night At the Opera,” Steely Dan’s “Everything Must Go” and the Eagles’ “Hotel California,” to name just three.

The car, he notes, is an ideal environment for multichannel audio.

“We have a driver sitting in a sweet spot,” he says, “and it’s a fixed position, so we’ve tuned the system so that the front [passengers] are pretty much hearing the way we want them to hear.”

Two Acura TLS will be exhibited at the 115th Audio Engineering Society Convention, set for Oct. 10-13 at the Javits Convention Center in New York. “Acura has treated the interior acoustically,” Scheiner adds, “so that it’s pretty close to perfect.”
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Rappers Make Mark On TV

As the 2003-2004 TV season gets under way this month, rappers are making their mark as power players on new shows. The hottest area for rappers on TV is in prime-time situation comedies.

Eve is the star and a co-executive producer of UPN sitcom "Eve," which premieres at 8:30 p.m. ET/PT Sept. 13 on Nickelodeon. Master P. will star in a music industry father and son in "Romeo," which debuts at 8:30 p.m. ET/PT Sept. 13 on Nickelodeon. Master P. is one of the show's executive producers.

Will Smith is a creator/executive producer of UPN's "All of Us." The series premieres at 8:30 p.m. ET/PT Sept. 16. Meanwhile, Bow Wow has inked a deal with the WB for a still-untitled sitcom that may be a mid-season replacement (Billboard, Aug. 16).

"Eve" was originally titled "The Opposite Sex," but UPN says it changed the title because Eve's name makes the show more marketable. It is no coincidence that the artists often bring some part of their real lives to their TV shows.

Eve tells Billboard, "Most of the roles I get offered are characters that are a lot like me. I don't think it's typecasting. I think it's about picking roles that are a natural fit."

Rappers are getting these business opportunities in TV because the artists have a primarily young audience, which the networks want. For example, UPN, Nickelodeon and the WB target under-35 audiences.

The payoff is the lure: Most first-time stars on a prime-time network series get between $10,000 and $50,000 per episode for the show's first season. The salary is higher if the entertainer is also a production executive for the show.

MTV VMAs Decline: At the 2003 MTV Video Music Awards (VMAs) held Aug. 28 at New York's Radio City Music Hall—the press room had the worst celebrity turnout of any major awards show we've covered.

Very few celebrities and none of the top nominees and star performers entered the press room for interviews.

MTV continues the majority of media to the press room, where MTV's communications department is responsible for celebrity interviews. An MTV spokesman who heads VMA media relations would only say, "It's getting harder to get celebrities in the press room."

But many stars posed for pictures in the nearby VMA photo room. MTV's inability to get these celebrities into the press room left many reporters feeling cheated.

An VMAs show was not as exciting and unpredictable as it has been in the past. The most talked-about moment—Madonna's open-mouth kisses with Britney Spears and Christina Aguilera during the "Surprise" performance—was hardly a first. Madonna made headlines more than 10 years ago for her display of lesbian eroticism in her "Sex" book and videos for "Erotica" and "Justify My Love."

The VMAs may also be losing some appeal viewers, as ratings declined from last year's show. According to Nielsen Media Research, the 2003 VMAs got a 4.8 rating/11 share, or 10.7 million U.S. viewers. The 2002 VMAs had a 6.6 rating/11 share (11.95 million U.S. viewers).

In Brief: Janet Jackson will star in and executive produce an as-yet-untitled ABC musical biography of Lena Horne. Overseeing production will be Craig Zadan and Neil Meron, who are behind the resurgence of other musicals in Hollywood (Billboard, Aug. 30).
BDSCertified Spin Awards August 2003 Recipients:

700,000 SPINS
Truly Madly Deeply/ Savage Garden /COLUMBIA
Higher/ Creed /WIND-UP

600,000 SPINS
It's Been Awhile/ Staind /ELEKTRA

500,000 SPINS
The Way/ Fastball /HOLLYWOOD

300,000 SPINS
Bring Me To Life/ Evanescence /WIND-UP
Picture/ Kid Rock /ATLANTIC/LAVA/UNIVERSAL

200,000 SPINS
Drift Away/ Uncle Kracker /LAVA
I Know What You Want/ Busta Rhymes Feat. Mariah Carey & The Flipmode /J RECORDS
21 Questions/ 50 Cent Feat. Nate Dogg /INTERSCOPE
Crazy In Love/ Beyonce Knowles /COLUMBIA
Rock Your Body/ Justin Timberlake /JIVE
Gotta Get Through This/ Daniel Bedingfield /ISLAND/IDJMG
Beautiful Mess/ Diamond Rio /ARISTA
Clocks/ Coldplay /CAPITOL
Like A Stone/ Audioslave /EPIC
Austin/ Blake Shelton /WARNER BROS.
Hanginaround/ Counting Crows /GEFFEN/DGC

100,000 SPINS
Right Thurr/ Chingy /DTP/CAPITOL
Where Is The Love/ Black Eyed Peas /A&M
Are You Happy Now/ Michelle Branch /MAVERICK
Forever And For Always/ Shania Twain /MERCURY
Shake Ya Tailfeather/ Nelly, P. Diddy & Murphy Lee /BAD BOY/UNIVERSAL
Don't Wanna Try/Ya No Es Igual / Frankie J /COLUMBIA/SONY
So Gone/ Monica /J
Three Wooden Crosses/ Randy Travis /WORD/CURB/WARNER BROS.
Swing Swing/ All-American Rejects /DREAMWORKS
Into You/ Fabolous Feat. Tamia or Ashanti /ELEKTRA
Love You Out Loud/ Rascal Flatts /LYRIC STREET
Have You Forgotten/ Darryl Worley /DREAMWORKS
P.I.M.P./ 50 Cent /INTERSCOPE
Never Leave You (Uh Oooh, Uh Oooh)/ Lumidee /UNIVERSAL
Downfall/ Trust Company /GEFFEN
Concrete Angel/ Martina McBride /RCA
Tell Me/ Smiley & Southstar /ARTIST DIRECT
Take It To Da House/ Trick Daddy /ATLANTIC

50,000 SPINS
No Shoes, No Shirt, No Problems/ Kenny Chesney /BNA
It's Five O'Clock Somewhere/ Alan Jackson & Jimmy Buffett /ARISTA
Like Glue/ Sean Paul /VP/ATLANTIC
The Boys Of Summer/ Ataris /COLUMBIA
Faint/ Linkin Park /WARNER BROS.
Frontin'/ Pharelil Feat. Jay-Z /STARTRAK/ARISTA
Then They Do/ Trace Adkins /CAPITOL
My Love Is Like... Wo/ Mya /A&M
Heaven/ Live /RADIOACTIVE/GEFFEN
What Was I Thinkin'/ Dierks Bentley /CAPITOL
Just Because/ Jane's Addiction /CAPITOL
So Far Away/ Staind /ELEKTRA
Real Good Man/ Tim McGraw /CURB
Driven Under/ Seether /WIND-UP
Rest In Pieces/ Saliva /ISLAND
Go With The Flow/ Queens Of The Stone Age /INTERSCOPE
Backseat Of A Greyhound Bus/ Sara Evans /RCA
I Wish I Wasn't/ Heather Headley /RCA
Don't Dream It's Over/ Sixpence None The Richer /REPRISE/SQUINT
I'm Still Here (Jim's Theme)/ John Rzeznik /HOLLYWOOD
Girl's Not Grey/ A.F.I. /DREAMWORKS

www.americanradiohistory.com
Juanes Gets A Boost

Juanes finally conquers Top Latin Albums (see Chart Beat, this page), in the same week that the Colombian rocker returns to No. 1 on Top Heatseekers. His triumphs are among many footprints that the Latin Grammy Sept. 3 telecast on CBS leaves on our sales charts.

After playing the show and winning five Latin Grammy awards, sales of Juanes’ “Un Dia Normal” almost doubled over the prior week, pushing him 10-1 on the Latin list and 16-1 on Heatseekers. His 10,000-copy frame also rockets a re-entry at No. 110 on The Billboard 200, a new peak for that chart.

Another performing winner, David Bischal, also sees stunning growth, a 94% gain, good for a Latin chart’s Face-setter (45-17). Bischal was the champ from the TV series “Operacion Triunfo,” Spain’s “American Idol.”

Other Latin Grammy winners and participants who bullet on Top Latin Albums: Ricky Martin (19-12), Maná (17-15), Joan Sebastian (No. 24), A.B. Quintanilla (26-25), Alexandre Pires (No. 28) and Soraya (71-66); the latter also has a song growing on Hot Latin Tracks (No. 32).

Bacilos and Molotov re-enter the chart (Nos. 49 and 64, respectively), while two albums by the late Celia Cruz, who was the subject of the show’s multi-star opening tribute, also excel (Nos. 9 and 30).

TRADING SPACES: Quick quiz, chart watchers. What does Kelly Dodd’s “Metamorphosis” have in common with Norah Jones’ first Blue Note set and the “O Brother, Where Art Thou?” soundtrack?

Of the 47 titles that have reached No. 1 on The Billboard 200 since the start of 2002, those three are the only ones that did not debut in the top slot.

Jones’ “Come Away With Me” and “O Brother” both rose on the shoulders of the Grammys. The former did so after she grabbed five Grammy nominations earlier this year (Billboard, Jan. 24), the latter after that bluegrass collection emerged as the surprise album of the year winner at last year’s ceremony (Billboard, March 23, 2002).

Teenage actress-turned-singer Duff joins the club this week by virtue of resilience. Simply put, of the two albums that led last issue, hers has the smaller second-week decline. Duff’s drops by 36%, yielding 131,000 copies for the week, according to Nielsen SoundScan, while last week’s champ, Mary J. Blige, has a 62% slide (108,000). Blige’s last album, (Continued on page 70)

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### Market Watch

A Weekly National Music Sales Report

#### WEEKLY ALBUM SALES

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#### SINGLES SALES

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<tr>
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### MONTHLY ALBUM SALES (millions)

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### Charts

**Buena Vista’s No. 1 View**

For years, the Buena Vista label was associated with children’s albums released by Walt Disney Records. The imprint was also home to Disney’s teen female stars, including Annette and Hayley Mills. So it was appropriate that the logo, named after the street that parallels the west side of Walt Disney Studios in Burbank, Calif., was revived for the company’s newest teen female star, Hilary Duff.

Last issue, Duff’s “Metamorphosis” entered The Billboard 200 at No. 2, and now the CD climbs one place, giving Buena Vista its first No. 1 album since 1965, when the “Mary Poppins” soundtrack ruled the list for 14 weeks.

Having No. 1 album is a nice birthday present for Duff, who turned 16 Sept. 2. She’s the youngest solo female to top the chart since March 1997, when 14-year-old LeAnn Rimes had her first No. 1 album with “Unchained Melody/The Early Years.”

**NUMERO UNO:** You could understand why Juanes might have thought his second album, “Un Dia Normal” (Surco/Universal Latino), wasn’t ever going to reach No. 1 on Top Latin Albums. The set debuted at No. 2 the week of June 8, 2002, and stayed there for four weeks before slipping to No. 3, then to Nos. 4 and 5.

During the course of 67 weeks, the album moved up and down and fell out of the top 10 only once—when it was No. 11 two weeks ago. “Normal” spent a total of five weeks at No. 2, 10 weeks at No. 3, 13 weeks at No. 4 and 14 weeks at No. 5.

---

This issue, thanks to the Latin Grammy Awards. “Normal” rebounds, leaping 10-1. It’s the biggest jump to pole position since Aug. 16, when “Regalo del Alma” by Celia Cruz rocketed 51-1, based on street-date violations.

Juanes has the longest wait on record for a No. 1 title on Top Latin Albums. In February 2002, “Paulina” by Paulina Rubio reached the summit in its 33rd chart week. In August 1996, the multi-artist “Macarena Mix” album moved into first place in its 535th week.

**BLAME CANADA:** Two acts that have been missing from the Adult Top 40 chart for two years return this issue—and they both happen to be Canadian. Barenaked Ladies make a bid for chart success with “Another Postcard (Chimps)” (Reprise), new at No. 32. It’s their first chart entry since “Falling for the First Time” peaked at No. 11 the week of Sept. 15, 2001.

Sarah McLachlan debuts at No. 39 with “Fallen” (Arista). In April 2001 she peaked at No. 25 as the featured artist on “Silence” by Delerium. Her last hit on her own was “Ice Cream (Live),” which reached No. 12 in December 1999.

**LAUGHING MATTER:** You might be a redneck if . . . you bought “The Best of Jeff Foxworthy: Double Wide, Single Minded” (Warner Bros.). The album enters Top Country Albums at No. 10. It’s the first Foxworthy set to chart since “Big Funny” peaked at No. 15 the week of May 13, 2000.
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<th>Week</th>
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<td>6</td>
<td>The Neptune's New...Close Your Eyes</td>
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**Greatest Gainer**

Beck's "You & I" moves from 10 to 1.
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<td>Elvis Presley ♦</td>
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Over The Counter

Continued from page 67

“No More Drama,” had a smaller second-week erosion in 2001, falling by 50% after it started at No. 2 with 294,000 copies.

“The Lizzie McGuire Movie” soundtrack, another Duff vehicle, also manages a small gain (18-15), noteworthy in a frame when album sales are down 8.3% from the prior week.

To keep “Metamorphosis” visible, Duff will be busy the next few months. She’ll have her own special on the WB network Sept. 24, with a repeat viewing four days later. She will appear at the American Music Awards Nov. 18, the Macy’s Thanksgiving Day Parade Nov. 27 and returns to the WB for a Christmas special Dec. 8. There’s also talk of a U.S. concert swing in November and December.

STAYING POWER: In hindsight, “Fallen” seems an odd title for Evanescence’s first charting album, because it never seems to fall. Bulleting 7-5 this week, it is the album that has spent the most consecutive weeks in The Billboard 200’s top 10.

It has been in the top 10 for all but two of its 27 chart weeks, including the last 10 in a row. Of the albums in the current top 10, the only one to spend more time there is 50 Cent’s “Get Rich or Die Tryin’,” which moves 11-10 to register its 27th week in the top 10.

Evanescence’s endurance is remarkable for a developing act, or, for that matter, a rock band of any age. Of the rock albums released in 2003, second place belongs to Linkin Park, which only managed to stay above No. 11 for seven weeks, not a bad fact; “Fallen” has already spent more weeks in the top 10 than the latest releases by Linkin Park, Metallica, Staind, Led Zeppelin and Radiohead combined.

Since 1999, when Britney Spears’ debut album entered at No. 1 and spent its first 50 weeks in the top 10, only one other act has exceeded the early success Evanescence is enjoying with its first charted set. Avril Lavigne, who started at No. 8 last year, went on to spend 37 out of her first 39 chart weeks in the top 10.

On another network: The Latin Grammys broadcast is not the only awards show making waves on this week’s sales charts. Some of the albums that jumped last issue as a result of exposure on MTV’s Aug. 28 Video Music Awards show continued growth. Most awards shows only generate sales spikes for a single week, but the MTV event’s impact lingers longer because this year’s happened late in the sales week, on a Thursday, and the telecast is repeated a number of times.

Among the VMA beneficiaries was继续 to grow on The Billboard 200: Coldplay (10-8), Linkin Park (19-17), Good Charlotte (18-14) and Metallica (49-41). Each of those four bands also advance on Top Pop Catalog. Winning performer Beyoncé earns the Greatest Gainer on the big chart, but her momentum is not confined to the VMAs, as radio loves second track “Baby Boy” (see Singles Minded, page 74). Its video is also No. 10 at MTV and No. 13 at BET, according to Nielsen Broadcast Data Systems.

RELOADED: Not only does Black Rebel Motorcycle Club make its first appearance on any Billboard chart, its rides off with The Billboard 200’s Hot Shot Debut, entering at No. 47. The band led a light Labor Day waved, because this is the first chart since the April 5 issue with no new entries in the top 10.

Learn more about the San Francisco rock trio Sept. 16 in billboard.com’s Breaking & Entering column, which chronicles artists’ inaugural Billboard chart runs every Tuesday.
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*Note: The table above lists the best-selling albums according to Billboard.*
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**Notes:**
- Sales data for Classiez Kids are not included.
- Billboard charts compiled by Nielsen SoundScan.
Bentley Debut Stays Hot; Beyoncé’s Gains Continue

Dierks Bentley’s “What Was I Thinking” climbs 3-2 on Hot Country Singles & Tracks to become the highest-charting debut single by a new artist this year. Bentley’s No. 2 rank tops Jimmy Wayne’s “Stay Gone,” which peaked at No. 3 in the July 5 issue. Up 439 detections, “Thinking” is poised to become the first new artist debut to reach the summit since Cyndi Thomson’s “What I Really Meant to Say” started a three-week run atop the chart in the Sept. 22, 2002 issue. Capitol’s Nashville shop issued both the Thomson and Bentley singles.

To grab top ink next issue, Bentley will have to unseat Alan Jackson & Jimmy Buffett’s “It’s Five O’Clock Somewhere,” which lengthens its No. 1 reign to six weeks despite a dip of 100 plays. Bentley’s song trails the duet by 225 detections.

“Five O’Clock” is the second country title so far this year to hold at No. 1 for seven weeks and the third since the chart switched to Nielsen Broadcast Data Systems information in 1990.

Darryl Worley’s pro-war anthem “Have You Forgotten?” led for seven weeks this past spring, while Kenny Chesney’s “The Good Stuff” did so in 2002. Lonestar’s “Amazed” is the only song since 1990 to have a longer run at No. 1, claiming the top spot for eight weeks in 1999.

BOY ZONE: “Baby Boy” by Beyoncé Featuring Sean Paul moves into the runner-up slot on both The Billboard Hot 100 (4-3) and Hot R&B/Hip-Hop Singles & Tracks (4-2), earning Greatest Gainer/Airplay honors on each chart. “Boy” is the airplay gainer on the Hot 100 for the first consecutive week. The last track to match that streak was Nelly’s “Dilemma” in July and August 2002; that hit included vocals by another Destiny’s Child member, Kelly Rowland. Add her former No. 1, “Crazy In Love,” and Beyoncé has had the Greatest Gainer/Airplay title for 11 of the past 19 weeks, begin-

nig with the May 31 issue. The adventure for “Boy” rises by 25.1 million listener impressions to a total of 120.3 million. It is only the fifth song to gain more than 25 million impressions in a week since the Hot 100 chart was expanded to include all radio formats in December 1998. The last song to do so was 50 Cent’s “In Da Club,” which posted a spike of 26.6 million listeners in the Feb. 15, 2003 issue.

Keeping “Boy” at bay this week are “Shake Ya Tailfeather” by Nelly, P. Diddy & Murphy Lee on the Hot 100 and “Frontin’” by Pharrell Featuring Jay-Z on Hot R&B/Hip-Hop Singles & Tracks, with higher margins on the latter. Both songs hold at No. 1 with a decent gain in points, but not of the magnitude of “Boy.”

TWO FOR ONE: “Into You” by Fabolous rebounds on The Billboard Hot 100, climbing 6-4 after falling from No. 3 the previous issue. The song appears on his album “Street Dreams” with Ashanti on vocals. It was serviced to radio with Tamia taking over singing chores because of legal issues regarding singles rights. Tamia’s rendition was recently added onto the album alongside the original version. Overall airplay favors the Fabolous/Tamia pairing by a 65 to 35 ratio. At R&B radio, where Tamia has a longer life, the ratio is 85/15. Another track with interchangeable vocalists is Santana’s “Why Don’t You & I,” which rises 20-16 on the Hot 100. The voice of Nickelback’s Chad Kroeger graces Santana’s album “Shaman,” but because of similar singles rights issues, Alex Band of the Calling was swapped onto the version sent to radio. Band’s rendition holds a 75/25 edge in overall airplay.

Complied from a national sample of data supplied by Nielsen Broadcast Data Systems. 125 mainstream top 40, 90 rhythmic top 40, 45 hot adult top 40 and 10 modern rock songs are electronically monitored 24 hours a day, 7 days a week. Songs ranked by number of detections. Songs with an increase in detections over the previous week are bulleted. General information is subject to change. A song which has been on the chart for more than 20 weeks will generally not receive a bullet and is represented in all of the Top 40 charts.
heaviest hands out there, and they’re all popular. So come on, that takes as much."

Also adds brother and bassist Mike Kroeger: “The Christina Aguilera of the world has a good grip on what’s pleasing to the ear; don’t let that be a curse.”

The new set grinds harder than ever, but it is also gloriously and accessibly melodic, with seductive choruses that punch through the speakers like the impassioned mantras of a holy healer.

“The Long Road” follows 2003’s breakthrough “Silver Side Up,” which was certified either gold or platinum in 10 countries. In the U.S., the album has sold more than 4.7 million units, according to Nielsen SoundScan, and spawned "The Billboard Hot 100 song of the year for 2001, “How You Remind Me.””

Silver Side Up also was honored a Juno Award in Canada; it earned four Grammy Award nominations.

“I think it’s becoming more difficult to pick Nickelback fans out of a lineup,” Chad Kroeger says of the mainstream popularity of the band, which also includes Ryan Peake on guitars and Ryan Vikeadl on drums.

“We have songs on the new album that are more appealing to 13-year-old girls than 45-year-old businessmen; some that 35-year-old housewives are going to prefer over 15-year-old guys,” Kroeger says.

CAREFUL CRAFTSMANSHIP

“Having the diversity in fans that we do, keeping them all happy is becoming quite the balancing act,” he says.

But make no mistake, Nickelback’s work is as carefully crafted as it is unapologetically commercial. Kroeger consciously pri-

"It’s a lot more in-depth writing; anything I can get myself alone; I can be creative. Some of these songs went through incredible transformations along the way,” Kroeger adds. "I like the fact that we can sit down and look at it, then everyone pulls out a chair and says ‘This is a lot more honesty.’"

New single “Somewhere,” produced by the band with Joe Moin, is one of few non-in-tempo releases this year to enjoy instant acceptance at radio. It took all of four weeks to chart in the top 10 at modern, mainstream, active and heritage rock—with top 40 charting remaining

Retail is also anticipating a good journey with “The Long Road.” “Sales should be very strong from release," says Dave Alder, senior VP of product and marketing for Virgin Entertainment Group. “Awareness is high, the single is performing well and the halo effect from the last album is still glowing. All the

pressing of "The Long Road," which will feature exclusive band photos and three bonus tracks, including a cover of Elton John’s "Saturday Night's Alright (For Fighting)."

Nickelback will also appear on MTV’s “Hard Rock Live,” in a performance taped Aug. 19 in Orlando, Fla.; it is scheduled to air November. On Sept. 4 the UUH will broadcast a segment of its Concert Series, featuring the band performing from the EMP Sky Church Theater in Seattle.

The group also touched down in the U.K. at the beginning of September for the "Sans Forget-me-not" promotion and a taping for "Top of the Pops." The group will tour the U.S. from Oct. 1 through Nov. 17 in Texas, with final Fall dates Nov. 27-30 in Florida.

"ANYBODY'S STORY"

Still, all it begins with the music, and the new set is packed with potential hits, as well as the group’s perspective on a host of life experiences.

“There’s no central theme here,” Kroeger says. “‘Silver Side Up’ was very personal. This one doesn’t draw on the experiences of my life; it could be anybody’s story.

Sonically, it is Kroeger’s goal to make the album a singular experience, “where you can listen to the whole thing and enjoy it, without skipping songs, I feel like a lot of hands pay really close attention to three singles. I wanted every second of every song to get the same amount of love and attention so that we have a great album and not just a couple of great songs.”

Then there’s the matter of encouraging fans to purchase the project, instead of swiping tracks from peer-to-peer networks.

“If you go to the store and the groceries are free and some- one tells you it’s not worth it, you’re going to say, ‘It’s just write it down,’ ” Kroeger says. “But things have gotten so bad now that record companies are going out of business.”

The Internet’s appeal to a younger demographic is one of the reasons that the group tries to rope in an older audience, too.

“If you write songs for a 15-year-old, the chance of selling a lot of records is thin,” he says. “We’re lucky enough to run the gamut, and I think that people over 25 are less interested in downloading. First, they have the money, and second, they might feel like paying a bit.”

Nashin says that the label took precautions during the recording process to keep the music from getting into the wrong hands. “We didn’t guard the studio with attack dogs, but we were very careful.”

Kroeger is also aware of the tight competition for concert dollars, particularly in the rock format.

“The market is saturated with Lollapalooza, Ozzfest, Metalica, Kiss, Aerosmith. You can’t just offer a rock show; it needs to be an event. Even when we couldn’t afford it, we were using pyro. You have to make it memorable enough that fans will want to see it in, say, two or three time in town.”

Mike Kroeger adds. “You can write the prettiest single in the world, but if you perform it and people just stand there because it doesn’t move them, you’ve done half of your job. The real trial by fire is when you perform live.”

Nickelback is hoping to have an opportunity for years to come. "It feels too damn good right now,” Chad Kroeger says. “We’re riding high, and I love it. Music is cyclical and trendy, but we try to be honest with our fans so that they’ll keep casting their vote for us. I’m hoping it’s going to be a while before I have to go to Mattel and get my bobblehead or go to GM to do a car commercial.”

IFPI Report

Continued from page 5

world, but its global market share slipped to 38.8% in 2002, from 39.5%, a year earlier.

Noticeable gains were made by France (up one percentage point to 4.4%) and the UK (up to 9% from 8.3%). The IFPI collates its figures on shipments minus returns.

Norwegians remain the biggest per-
capita spenders on music, averaging $717.20 in the year. The top 10 countries in 2002: U.K., music lovers spent $49.10, per capita, ahead of the U.S. ($44.90) and Japan ($39.40).

Says IFPI chairman CEO Jay Berman in his report introduction: “Sales have been affected by competition from

newer forms of entertainment, particularly DVD and videogames, which both saw strong growth in 2002. This has reduced the amount of retail space available to CDs and cut into consumer spending on music.”

The report also analyzes consumer behavior and concludes that physical product is increasingly being bought online: “The share of albums sold over the Net increased, for example, from 4% in 2001 to 14% in 2002. In the U.K., music lovers spent $49.10, per capita, ahead of the U.S. ($44.90) and Japan ($39.40).

Zevon

Continued from page 8

Browne. Zevon’s gift for melody and observed lyrics immediately identified him with such contemporaries as Browne, but his usually sardonic and satiric point of view set him apart from the crowd. The collection con-
tained such instant standards as “Hasten Down The Wind,” “Poor Poor Pitiful Me” and “Carmelita” and the early signature “I’ll Sleep When I’m Dead.”

Songs from Zevon’s Long Path debut were covered by the likes of Linda Ronstadt, but he found suc-
cess on his own with “Excitable

Boy” in 1978. The album, Zevon’s only top 10 entry (it climbed to No. 8), contained such darkly mirthful songs as the title track and “Roland the Headless Thompson Gunner” and the howl-along hit “Weren’t Much of London” which reached No. 21 on the Billboard Hot 100 Singles chart.

Zevon cut two more studio albums and a live set for Asylum, all faring than well, with a hit requested for a signboard of his professional and personal lives in the early ‘80s. After a lengthy hiatus, a sober and creatively refreshed Zevon re-emerged in 1987 with "Sentimental Hygiene" (Virgin). Sessions for that collection cut with R.E.M.’s Peter Buck. Mike Mills and Bill Berry spawned the 1990 all-covers set issued under the ad hoc band name Hindu Love Gods.

Zevon moved to Giant Records, which released the biting “Mr. Bad Influence” in 1991 and the master-
ful live solo recital “Learning to Lurch” in 1993. The title track of the 1995 collection “Mutineer” was frequently covered in concert by Bob Dylan that same year.

His most recent albums were issued by indie Aristas: the prophetically titled "Life’ll Kill Ya" (2000) and "My Ride’s Here" (2002). The latter is a largely collaborative work featuring lyrics by such contemporaries as Hunter S. Thompson and Carl Hiaasen.

Zevon is survived by two children.

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several years ago: a new album, "The Prettiest

Amnesty
Continued from page 1

Eric Parle, a mortgage lending executive, is asking a Superior Court judge in San Rafael, Calif., to shut down the RIAA's Clean Slate amnesty program and declare it a bust. He claims that its offer is “false and misleading,” according to news reports.

The RIAA launched the program Sept. 8, the same day the major record labels sued 261 people for allegedly violating their copyrights by sharing files online.

The amnesty program, which is being offered to peer-to-peer infringers, is off to a slow start, with little fanfare, according to RIAA officials.

An RIAA official says the organization has had many phone calls about settling lawsuits. But the RIAA says it’s too soon to get a reading on how well the amnesty program is faring.

Critics say the program does not offer any guarantee that would prevent another entity in the music industry, such as a music publisher, from suing for copyright infringement.

Others worry that the notarized form sent to the RIAA by amnesty seekers pledging to rid their hard drives of illegal music files, destroy all copies and never infringe again could somehow be leaked and used against them in a more aggressive infringement lawsuit.

The program has had many phone calls about settling lawsuits. But the RIAA says it’s too soon to get a reading on how well the amnesty program is faring.

Critics say the program does not offer any guarantee that would prevent

Congress
Continued from page 1

ially embarrassing situation when one of the 261 people it sued for illegal file-sharing turned out to be a 12-year-old honors student.

But leading lawmakers reiterated their support for the RIAA’s actions during hearings on peer-to-peer kiddie porn and on the association’s ability to obtain file-sharing data from Internet service providers (ISPs).

“They get it; they understand the industry’s under siege,” said Jay Rosen-thal, the RIAA’s vice president of the Recording Artists’ Coalition.

“Jobs are being lost. Studios have closed. Artists are being dropped,” he said. “They sense that people will continue to do this unless there are some consequences.”

At the hearing, Sen. Charles E. Schumer, D-N.Y., called for the creation of a new federal task force to crack down on child pornography swapped over P2P networks.

Schumer castigated Alan Morris, president of Sharrman Networks—the parent of the now-defunct P2P service—to not revoking the Kazaa licenses of child pornographers recently arrested in Suffolk County, N.Y.

FLAWED ARGUMENT

The 12-year-old being sued had more than 1,000 illegal music files on her computer. That and the RIAA’s quick decision to approve an out-of-court settlement with the mother for $2,000 helped mute the response, according to some.

“The 12-year-olds are part of the dynamic, as are parents for not taking responsibility for the actions of their children,” Rosenthal said.

Committee chairman Orrin Hatch, R-Utah, said it succinctly. “Yes, there will be kids [named in the lawsuits], but we must understand that it lets parents know what their kids are doing when they’re downloading.

“There are children involved, but a lot of adults too,” he continued. “They’ve got to wake up.”

At the hearing, William Barr, counsel for Verizon—which has a pending appeals court challenge to the legality of the subpoena—argued that it was flawed.

“The answer to the copyright committee’s present business problems is not a radical new subpoena process per se, but it’s an end to the behavior that [Apple] is engaged in,” he said.

He added that he thought the process ignored the constitutional and statutory protections that normally apply to the discovery of private data.

Verizon believes that the district court was wrong in concluding that Congress authorized such a broad and promiscuous subpoena procedure, he asserted.

RIAA boss Cary Sherman also called the information subpoena “a fair and balanced process that includes meaningful safeguards to protect the privacy of individuals.”

Under those concerns, Hatch requested a bi-monthly report for six months from both the RIAA and Verizon on how the subpoena process is proceeding.

(Continued on page 79)

Legal Digital Music On The Rise

BY BRIAN GARRITY

NEW YORK—As the recording industry steps up the legal pressure on users of peer-to-peer networks, consumer adoption of commercial digital music is on the rise.

Both Apple Computer and RealNetworks report increased consumption through their respective services.

Apple says more than 10 million songs have been purchased from the iTunes Music Store since its launch in April—an average of more than 500,000 songs per week.

The 10 millionth song, “Complicated” by Avril Lavigne, was sold Sept. 3.

Apple also remains on pace to launch a Windows version of iTunes by the end of the year.

“The best way to combat illegal file-sharing is to compete with it head on,” says Peter Lowe, Apple’s director of marketing for applications and services.

Meanwhile, RealNetworks says that Rhapsody subscribers streamed more than 1.6 million songs in August—an average of more than 500,000 songs per day. The company reports that in the past five months, the service has more than doubled the number of songs streamed to customers each month.

RealNetworks points to a new distribution relationship with Best Buy, coupled with a two-week exclusive on the Rolling Stones catalog, as leading factors in its increased August numbers.

For the past three weeks, Best Buy has been selling subscriptions and offering free 14-day trials to Rhapsody at 500-plus U.S. stores.

“August’s numbers prove what we’ve been saying for months: Legal music services have unquestionably caught the ears of music fans,” says Sean Ryan, RealNetworks VP of music services.

Courts
Continued from page 1

arguments now made by Verizon, if they prevail, will leave copyright owners with little or no remedy against the most widespread phenomena of [copyright] infringement in the history of this country,” she continued.

“Thus, she said, “it is incumbent upon this committee and this Congress to see that if the judiciary fails to enforce the DMCA and therefore fails to provide the protection to which copyright works are entitled, the legislature does.”

Peters told Judiciary Committee Chairman Sen. Orrin Hatch, R-Utah, that every court that has addressed the issue has agreed that activity is not protected.

“It can also be a crime, and the perpetuators of such a crime are subject to fines and jail time,” she said.

She added that efforts to “rationalize or justify” illegal behavior with allegations of inflated profits or unfair dealings with recording artists are “diversionary tactics” that do not alter the fundamental fact that they are trying to “undermine” copyright law.

“There are some,” she said, “who argue that copyright infringement on peer-to-peer systems is not truly harmful to copyright owners and may even help to generate new interest in their products.

“The law leaves that judgment to the copyright owner, and it ought not to be usurped by self-interested third parties who desire to use the copyright owner’s work,” she said.

Peters characterized Grokster and Kazaa, which the Central District of California ruled are not liable as second-tier copyright infringers, as businesses that are “dependent upon mass copyright infringement.”

“Any application of the law that allows them to escape liability for lack of knowledge of the infringing acts and that makes infringement inherently flawed,” she said.

Peters added that hanging over all these cases is the Supreme Court’s decision on Sony.

In a therapeutic commentary on that opinion that almost 20 years later, we still have such uncertainty that three courts seem to interpret and apply it in three different ways,” she said.

"I believe the law is clear: To compel the opposite result [of findings of liability for the owners of Kazaa and Grokster], I believe Sony should be revisited either by the Supreme Court or by Congress.”

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Like many retailers, Marmaduke has been doing the math on the impact of the new pricing. He ran numbers based on pricing at four different forms of retail.

In all cases, and at $18.98, the spread gets wider, according to Marmaduke. Gross margin went from 43.6% to 28.6% in the new model, while aggressive stores selling at $13.98 under the old scenario and $10.98 in the new; see gross margin go from 23.4% to 15.6%. All of his calculations used an adjusted, blended old cost of $10.71 and a new adjusted cost of $9.27.

"Unfortunately, some retailers issue that they are trying to curb "file sharing and get people back into stores by bringing down the price. But now, the question is how retail and the one-stops will survive," one wholesaler says.

UMD executives were unavailable to comment as UMD president Jim Urry had been on the road constantly, calling on accounts to explain the plan.

Billboard estimates that UMD must get a 15% bump on a unit basis to make up for lost volume with the new model and may need, when you consider the tripling of advertising expenditures, a 20%-25% jump in unit sales to catch up with UMP price cut will accomplish that.

Merchants say that in order for them to make up profit margins, depending on who you are talking to, they need a 40%-60% jump in sales. Retailers question that UMD price cut will accomplish that.

Wholesalers, who work on much lower margins than retail, say they will be hard pressed to make the plan work. Nevertheless, some one-stops are willing to give it a go. "Obviously, we are going to have to mark up albums by 13 or 14 percentage points," one says. "We might be able to go lower if they prevent us."

"But again, the merchandising percentages may be adjusted by both music business UMD does with each account. One executive in the Universal camp says, "We just want what we normally would get, but we may wind up willing to listen." Others suggest that in the cases of lightboxes or window signage, there may be special funds available to retail. But beyond that, some sources suggest that so far there has been no give from UMD on margin issues.

"They are dictating what is happening on up the supply chain," says one retailer, who may not sign up. "That mentality says I should turn around and boll my landlord for less rent, and I don't think that is going to happen."

On the other hand, sources suggest that UMD does not want to give in to any retailer on this point, believing UMD executives are afraid of losing playing field—something that was hard to accomplish in the past, when the larger accounts used their clout to extract greater portions of advertising and discounts.

Another margin issue concerns inventory. Most merchants understand that it would have been very expensive for UMD to give price pro-tection on its entire back catalog. But the lack of pricing protection devalues existing inventory in the eyes of some.

The question, however, remains whether the devaluation occurs Sept. 29, when Universal starts selling inventory at the new $9.09 price point and $6.06 for SoundSavers, or Jan. 1, 2004, when Universal makes it official on its pricing card and begins applying the $12.98 sticker to catalog.

Inventory valuation plays a critical role in determining fund availability in most revolving credit facilities. If Universal is right and some retailers have already had calls from their banks on the issue.

If the banks use the Sept. 29 date and argue that devaluation occurs, funding available and inventory levels could become a factor in whether some merchants are in compliance on the financial covenants of their loans, according to financial executives.

For additional coverage, see pages 53 and 54.
of Bobby McFerrin (who rejoined the fold recently), Holly Cole (who recorded five albums for boutique subsidiaries Manhattan and Metro Blue) and Rachelle Farrell (whose 1990 debut, “First Instrument,” has sold more than 700,000 copies worldwide).

Among Lundvall’s most recent signings are veteran vocalists Van Morrison and Al Green. Morrison’s first Blue Note CD, the blues- and jazz-infused “What’s Wrong With This Picture?”, will be released Oct. 21 (Billboard Bulletin, Aug. 7). Green’s label debut, “I Can’t Stop,” is due Nov. 18.

It is understood that the label also is discussing a deal with Anita Baker. Lundvall would not confirm the talks.

During Jones’ skyscoter ride, Lundvall fielded a plethora of queries from aspiring vocalists looking for deals. “More than you can imagine,” he says. “They all want to be on Blue Note, even if their music has nothing to do with Blue Note. I’m not necessarily looking to sign more vocalists,” he adds. “I’m looking to bring unique artists to the label, people who are special and have artistic credibility.”

Has Jones floated the Blue Note boat in the past year? Lundvall says no. “Before the album was released, we were making a nice profit. But Norah gave us an extraordinary year. We’ve seen more black ink than red.”

That’s good news for such Blue Note instrumentalists as Lovano, Greg Osby, Pat Martino and Jason Moran.

“We don’t have to worry about dropping people from the label,” Lundvall says. “Blue Note is very serious about instrumental music. That’s why we signed Terence Blanchard and Wynton Marsalis. Lundvall is unfazed by gripes about Blue Note’s future. “Norah has changed our direction to a degree. Our story now is that we’ve dropped the boundaries and opened the borders. I won’t sign rock or rap musicians, but Blue Note will bring on board artists whose music is substantial and artistic.”

VERVE FOR VOCALS

Others share Blue Note’s new emphasis on jazz vocals.

Ron Goldstein, president/CEO of the Verve Music Group, acknowledges that it is easier for vocalists to connect with audiences than instrumentalists.

Goldstein recalls making some controversial roster decisions in the aftermath of the 1998 GRP and Verve merger.

“I put in a big push for vocalists,” he says. “It was very difficult, because Verve has always stood for instrumental jazz. But if business is slow, you’ve got to survive.”

“I’ve pared down our roster, keeping a nucleus of instrumental artists who are icons and whose sales are in the black,” he says. “Herbie Hancock, Wayne Shorter, Roy Hargrove and Michael Brecker not only sell well in the U.S., but also overseas.”

In general, Goldstein says, instrumental jazz sales are disappointing—and unprofitable. “A strong-selling jazz album may move only 30,000 units. But in recent years, even people like Wynton Marsalis and Joshua Redman have seen their sales figures slide.”

Goldstein believes there’s a fundamental reason why vocalists have been so strong in the jazz marketplace.

INSTRUMENTAL DISCONNECT

“I’ve been saying this for four years, and I’ve been criticized for it, but I feel there’s a disconnect between artists who play instrumental jazz and the mass audience. The music is too intellectual, too heady. The playing is so far removed from what most audiences can comprehend.

“But if a singer renders an old Gershwin tune, people respond immediately,” he adds. “That’s why standards albums are selling. There’s a demand for them.”

Goldstein figures that labels are finally waking up to that marketplace reality. “A lot of these listeners grew up with Van Morrison, Steely Dan, Paul Simon, James Taylor. It’s a natural progression for them to listen to vocal jazz.”

Kral has been Verve’s key retail draw in the past several years. Newcomer Wright, whose debut, “Salt,” came out earlier this year, has been a strong seller as well.

In all, she has sold more than 51,000 units, according to Nielsen SoundScan.

Wright has also attracted the attention of Spike Lee, who has been so captivated by her album that he has signed on to shoot a video for her song “Open Your Eyes.”

Italian-born, New York-based singer Chiara Cavello is an upcoming Verve vocalist who is already creating a buzz. Her debut will be produced by Russ Titelman.

Linda Ronstadt and George Benson also have new albums tentatively scheduled for a first-quarter 2004 release.

THE RETAIL DEAL

Borders Books & Music jazz buyer Jessica Sendra, who stocks CDs at Borders’ 400 U.S. stores, also sees a demand for vocal recordings.

“Over the last seven years, it’s been nearly impossible to break a straight-ahead instrumental record,” says Sendra, who was a buyer for seven years and a retailer for six years before that. “But I will take chances with vocalists, especially female.”

Case in point: Sendra stocked most of her stores with 10 to 15 copies of Wright’s album. “And many of those have already sold through,” she notes.

Bob Ruttenberg, owner of Coast to Coast Marketing in Tucson, Ariz., works with such independent retailers as Music Millennium in Portland, Ore., and J&M Music World in New York.

He represents labels to get their artists prominent play at the stores, talks with buyers and develops promotion. He, too, recognizes that jazz singers are an easier sell.

“Vocalists generally get more press, and they appeal to a broader range of the record-buying public,” Ruttenberg says. “Diana Krall started something. She was the pioneer of the movement. She’s not just a great singer, but she’s an excellent musician—on the road for 40 weeks a year supporting her records.”

Ruttenberg worked all of Krall’s albums for Verve. These days, when retailers ask him to recommend a vocalist who has that same “Diana” appeal, he promotes Peter Cincotti.

“Peter has a great future,” Ruttenberg says. “He’s smart, personable and also a hard worker. He’s the best young male vocal talent I’ve heard in a long time.”

The vocal message is not lost on the media. Even though BET’s jazz channel sees its mission as serving the multitude of jazz interests—from smooth to straight-ahead to avant—vocalists get plenty of coverage.

“There’s no debate,” says Paxton Baker, VP/GM of BET Jazz and Digital Networks. “We’re well aware that vocalists dominate the charts.”

As a result, BET Jazz has developed strong relationships with singers, including Kevin Mahogany. “Diana Krall’s first TV appearance was on BET Jazz,” Baker says.

Other on-air firsts for BET have included Jane Monheit and Nnenna Freelon.

While BET Jazz is not rated by Nielsen Media Research, the main network is. Ratings for BET’s “Jazz Brunch” show, which airs Sundays, are consistently higher when vocalists appear.

VOCALISTS GALORE

In recent months, there have been plenty of releases featuring jazz vocalists, some with pop histories. Earlier this year, Boz Scaggs threw his hat into the jazz ring by releasing “But Beautiful,” an album of standards on his Gray Cat label.

The latest pop star to swing into the jazz zone is four-time Grammy Award-winning crooner Aaron Neville, whose debut jazz outing, “Nature Boy—The Standards Album,” produced by Paul Mounsey, was issued in August by Verve.

Like big-band leaders of the old days, several jazz artists are bringing vocalists along for their largely instrumental rides.

Pianist Daniilo Perez enlisted Wright for two tracks on his new Verve release, “... Till Then.”

Bassist/pianist Avishai Cohen not only used vocalists Lola, Jeff Taylor and Berrie Kirk on his “Lula” disc (on his new Razdaz Recordz label), but he also sings on two tracks.

And percussionist Poncho Sanchez recruited Ray Charles and Sam Moore to contribute to his newest Concord CD, “Out of Sight.”

For the first time in trumpeter Tom Harrell’s career, he hooked up with jazz vocalists on his new Blue Note CD, “Wise Children.”

Karn Lyle and Lisa Michel wrote lyrics to four Harrell compositions that are rendered by Wilson, Dianne Reeves, Claudia Acuna and Monheit.

“I’ve always gravitated toward vocal music,” Harrell says. “And I like working with singers because the trumpet has an affinity to the human voice.”

Meanwhile, Jones is scheduled to go back into the studio this fall to begin work on a new album. With her Blue Note debut still selling strong, the label has not targeted a date for her next release.

Some jazz fans worry that vocalist domination might not be such a good thing for the music in the long run. Will singers eclipse saxophonists in the marketplace?

Lundvall, who was honored Sept. 8 by the Nordoff-Robbins Foundation for his contributions to the music industry, has no such concern.

“I don’t think it’s that much different today than it was in the past,” he says.

“Even though we don’t have the sales figures, I would guess that in the ‘50s, Ella Fitzgerald, Sarah Vaughan and Miles Davis in Washington were sort of the instrumentalists of the day like Monk and Miles. That was certainly true in the early ‘80s. After we signed Dianne Reeves in 1987, she became our best-selling artist. She’s continued to be one of our biggest sellers.”
SEPTEMBER

[EVENTS CALENDAR]

[Life Lines]

BIRTHS
Girl, Isolde Maria Parodi Fair, to Starr Parodi and Jeff Eden Fair, July 20 in Santa Monica, Calif. Mother and father are composers.

Girl, Alicia Itzel Prieto, to Ury Apala and George Prieto, July 28 in Barstow, Calif. Father is vocalist for Grupo Centinela and CEO of Prieto Recording Group.

Girl, Jordan Farrell Conion, to Teresa Krendegran and Richard Conion, Aug. 11 in Weston, Conn. Father is VP of marketing and business development/media licensing for IBM.

Girl, Sophie Joan, to Susan Henderson Tyler and Joshua Tyler, Aug. 20 in New York. Mother is senior VP of creative services for Notation Music Publishing.

FOR THE RECORD

Contrary to the article “Acts Still Skirt Sept. 11 Concerts” (Billboard, Sept. 13), Toby Keith will play a Sept. 11 show at the Allegan Fair in Allegan, Mich.

A story in the Sept. 6 issue incorrectly reported the kick-off of Mexican rock band Mana’s U.S. tour. The tour begins Oct. 1 at the Sports Arena in San Diego. The band will play Los Angeles’ Home Depot Arena Oct. 3.

Telecommunications Assn. for Marketing TAM award and the Cable Television Public Affairs Assn. Beacon award.

Larry Oliver has joined Airplay Monitor as CEO. He is a long time Billboard subscriber and an avid music fan and collector, we are thrilled to have him return to VNU.

JOHNSON

WEINSTOCK

Johnson has been promoted to senior account manager for Billboard’s sister publication Airplay Monitor. He joined Monitor in February 1999 as account manager. She continues to handle R&B accounts at all labels.

Weinstein has worked for Motown Records, GRP, Verve Music and American Urban Radio Networks.

Peter Weinstock has joined Airplay Monitor as account manager for top 40 and rock. He comes from CMJ, where he held the position of account executive.

Weinstein earned an A.S. degree in specialized technology from the Art Institute of Philadelphia.

Johnson and Weinstein are based in New York and report to Michael Ellis, interim director of Airplay Monitor and associate publisher of the Billboard Information Group.

UPCOMING EVENTS

BILLBOARD DANCE MUSIC SUMMIT
September 22-24 • Union Square Ballroom • New York City

BILLBOARD/HOLLYWOOD REPORTER FILM & TV MUSIC CONFERENCE
November 19-20 • Renaissance Hollywood Hotel • Los Angeles

BILLBOARD MUSIC AWARDS
December 10 • MGM Grand Hotel • Las Vegas

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‘Record Companies Aren’t Just Profit Centers; They’re Cultural Institutions’

BY BILL HOLLAND

Folklorist, preservationist, musicologist and, just as important, a major bridge builder between the worlds of the musical arts and commerce, Bill Ivey serves as director of the Curb Center for Art, Enterprise and Public Policy at Vanderbilt University in Nashville.

Before he took the job, he was chairman of the National Endowment for the Arts (NEA) during the Clinton administration and restored congressional confidence in the federal arts program.

Ivey came to prominence as the director of the Country Music Foundation (CMF) in Nashville and is credited with initiating programs to save, catalog and preserve the rich historical and cultural line of recorded country music—from Appalachian string bands in the ’20s to the honky-tonk of the late ’40s and ’50s.

Hilary Rosen, former CEO/chairman of the Recording Industry Assn. of America, says, “Bill has such credibility for what he did at CMF. People know country music is the best-archived genre of any American music because of what he did there. He’s passionate but practical, and I think business leaders admire that. The creative community loves him.”

Q: How did the idea for the Curb Center at Vanderbilt come about?

A: While I was chairman of the NEA I became convinced that the “rules of the road” for the arts in America were really set by the private-sector arts industries, not nonprofit organizations or the NEA. After all, leaders in the music business have to continually balance their artistic instincts against the corporate bottom line. As [songwriter] Fred Knobloch said, “At the beginning of the day, it’s art versus commerce, and at the end of the day, it’s commerce versus art.” That balancing act is the essence of the U.S. arts system, and to the extent our country has a cultural policy, it’s made by leaders in the arts industries.

Q: What kinds of projects will the center take on?

A: Well, in March [2004] we’re hosting a conference on the cultural impact of federal regulatory agencies, looking at the way the Federal Communications Commission, the Federal Trade Commission, the Internal Revenue Service—even the U.S. Trade Representative—shape the cultural landscape. For example, when you look at how deregulation has undermined record-company efforts to sustain a variety of acts in the marketplace, it’s pretty clear that cultural impact is often overlooked when regulations are drafted.

Also, we’re building a terrific Web site [vanderbilt.edu/curbcenter], which, among other things, will maintain a chart that will indicate which current multinational owns labels, film studios and radio and TV networks from the past.

Q: How do you view the downturn in the record business?

A: It’s a very, very challenging time. It’s not as bad as in the early 1920s, when free live music on radio knocked record sales down by 70% over a couple of years, but it’s obviously pretty bad. Our entire 20th century business model is being transformed, and the shape of the future model is not yet clear. Full-inventory retail is a thing of the past, radio seems only to mainstream, research-friendly acts and digital technology has taken away the “quality advantage” of legitimate CDs. Any one of these trends would be a problem by itself; with all three at the same time, it’s a real scramble.

Q: What’s the biggest problem?

A: Well, I don’t think it’s downloading and file sharing; the industry can solve that with selective enforcement. Easy Internet access and pricing. Apple and Universal are showing the way. To me, the thorniest problem is the movement to shorten artist contracts so companies can only control product as a work for hire for a few years. If a company can’t generate revenue from investments in artist careers over the long haul, the whole system will shut down. I also think it’s a problem that so many creative people are being forced to make decisions based on nothing but quarterly earnings and the stock price of parent companies. If I could give one gift to the business, it would be to let creative executives get away from quarterly bottom-line pressures to stretch out, take risks and build solid careers for talent over the long haul. Record companies aren’t just profit centers; they’re cultural institutions.

Q: You said “selective enforcement”; don’t you think file sharers should be sued?

A: What must be done must be done. I’m sure Target and Wal-Mart prosecute shoplifters, but they’re not famous for it. Unfortunately, the record business is getting famous for going after consumers. Actually, our record business has responsibilities for creating much of America’s greatest cultural treasures, so the music business should be positioned as one of our nation’s revered heritage industries. I don’t think it’s helpful in the long run for an industry that has earned a significant, positive place in society to end up mostly viewed as the business that takes its customers to court.

Q: You’ve worked with historical recordings at the CMF; how do you think our industry is handling its archival holdings?

A: I was very encouraged in the late ’80s, when consumers were building CD collections. The technology gave new life to catalog, and it seemed that a number of major labels invested in good storage and in restoration and transfer programs. But now, with profits shrinking, I’m afraid the care of old masters can’t be a priority, and new, digital recording formats are so esoteric that they also may not get preserved. And I don’t think global, vertically integrated media companies are especially inclined to value obscure historical assets: it’s not in their DNA.

Maybe the shape of Internet retail will bring renewed creativity to bringing forward old tracks and an aggressive A&R approach to catalog. It always seemed to me that it was shame that big catalogs haven’t been used to build special-productions divisions. Access to history gets reduced to making manufacturing deals. Rhino showed us how much excitement could be generated when fire-breathing, creative A&R types were turned loose on catalog. Maybe the major with giant collections will go that route. But I’m not really into bashing record companies about preservation.

Q: Are you optimistic about the future?

A: I’m optimistic about the music, but less certain about the future of our big record companies. For nearly a century, companies have been essential sources of expertise for selecting the best artists and capital for building their careers. What you think of [former Columbia Records president] Goddard Lieberson’s commitment to classical recording or [producer] John Hammond’s work with Billie Holiday, Bob Dylan and Bruce Springsteen, it’s easy to see that big record companies have been great engines of artistic development. But young artists don’t seem to appreciate the role that the resources of a big label can play over an entire career, and, I guess, labels aren’t free to be as creative and freewheeling as in the past. It would be great to have a policy[ ]making[ ]community within the industry that could really take on all of these issues in a non-competitive setting, and we’re working on that.

Bill Ivey: Career Highlights

2002-present: Director of the Curb Center for Art, Enterprise and Public Policy at Vanderbilt University
1998-2001: Chairman of the National Endowment for the Arts
1971-1998: Director of the Country Music Foundation
1989-1991: Chairman of the board, NARAS
1981-1983: Chairman/president of the board, NARAS
The music industry is under siege, and its very future is being threatened. Every day, millions of copyrighted songs are stolen around the world. More than 2000 music stores have closed, and thousands of jobs continue to be lost. When songs are stolen, artists, publishers and record companies don't get paid.

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