from the Big Apple to the Big Easy: the concert for New Orleans

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CLARENCE "FROGMAN" HENRY  ELTON JOHN  DIANA KRALL
LENNY KRAVITZ  CYNDI LAUPER  DAVE MATTHEWS  THE METERS
BETTE MIDLER  THE NEVILLE BROTHERS  REBIRTH BRASS BAND
KERMIT RUFFINS  SIMON & GARFUNKEL  IRMA THOMAS
ALLEN TOUSSAINT  BUCKWHEAT ZYDECO
On September 20, 2005, Madison Square Garden hosted "From The Big Apple to the Big Easy." The live concert features New Orleans' most legendary musical greats joined onstage by many of music's biggest names.

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Seasonal Suicide

BY JOHN MARMADUKE

At this year’s NARM convention, I was on the “State of Music Retail” panel. I commented that it’s tragic that music retailers are so firmly starved for new releases, yet we will lose many great releases we could have successfully sold and reordered this summer to the exclusive crust of product in the fourth quarter. The NARM audience applauded this comment, but unfortunately these comments have been true for many years—the decision-makers in the music industry don’t seem to be learning from any source.

Music no longer owns top-of-mind awareness in the fourth quarter. With videogames and DVD suppliers spending almost $500 million in studying consumer advertising, floor traffic shifts in Hastings stores from music to videogames and DVDs for the fourth quarter. When a customer buys a $50 game, much less a $500 PlayStation 3 gaming platform, there is little discretionary cash left for music. Even movies that cost less than $10 now successfully compete with CDs as stocking stuffers.

At Hastings we see the music category as full of potential and excitement with more consumers actively listening to music than ever before. But it’s hard to generate sales growth from barren summer release schedules.

Our counterparts in the video industry have learned that the No. 1 controllable element of a movie’s success is picking the appropriate launch week. Each studio has a wall calendar of competitors’ titles, and release dates are frequently shifted to find the most opportune window. One studio executive was recently quoted as saying the DVD release date is becoming as critical as the theatrical date.

Why then do music labels continue to release at the whim of artists and their managers? Is it an old, hard-to-banish, the lack of longitudinal research driving marketing or the attempt to make the budget in the final fiscal quarter of the year?

Whatever the reason, this has to change. We lose hundreds of great artists’ releases each holiday season to the excessive and thoughtless oversupply of fourth-quarter releases. There are other reasons, too:

- The top 10 selling CDs of all time, only two were released in the holiday quarter.
- Gift cards have made the 10 days after Christmas the “second Christmas.” In our stores, we see customers much more willing to buy on impulse and out of the mainstream with gift cards. What a great opportunity to introduce new artists, yet endcaps spotlight the same releases consumers have looked at since November.
- Many purchases in the fourth quarter are for gifts, not the purchaser’s passion for the artist/music. Maybe this is why so few fourth-quarter releases sell well into next year and have the highest return rate of any quarter.

According to Nielsen SoundScan, titles released in the fourth quarter account for only 8% of total sales for the year and 20% of new release sales. Seventy percent of holiday sales come from CDs not released in the fourth quarter.

Hopefully, this will resonate with a few music executives, artists and managers. A question they might logically ask is, “How do we pick the best window for releasing our CD?” NARM has just released a great tool on its Web site: a data repository by date for all upcoming music releases (narm.com/releases). Artists, managers and executives can easily see the choices music customers are going to be given for any release week, even six months out.

But music is not the only media competing for our customers’ purchasing dollar. In July 2005, we achieved only 40% of our sales target for Slim Thug’s album “Already Platinum.” Upon further research, we determined that those likely Slim Thug customers instead bought the new NCAA videogame, which came out the same week. They never came back to purchase the CD.

July had the lowest sales week for CDs in the last 12 years, yet more titles than I can remember are purged for the fourth quarter. A double-digit music sales decline in July and August will not be overcome by a surplus of releases in the fourth quarter. In fact, the summer decline has prompted many big box retailers to re-evaluate the space they are allocating to CDs.

Our customers love music year-round but are leaving our multimedia stores this summer without music simply because too little product was released to satisfy their interests. We as an industry need to set a base line of 35 key releases a month (with at least a 40,000 unit initial shipment) to keep our customers migrating to other entertainment options. Let’s work to satisfy our many music fans every month of the year. Nothing is more important to the future of music, physical and digital.

For more on this topic, see the special report on page 8.

John Marmaduke is chairman/CEO of Hastings Entertainment.

MARMADUKE

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For more on this topic, see the special report on page 8.

John Marmaduke is chairman/CEO of Hastings Entertainment. Marmaduke says this article owes a debt of gratitude to Jim Bank, who as chairman of NARM in 1991-92 made this subject his full time project. Bank just had major surgery, and we wish him a speedy recovery.
**UpFront**

**Retail**

BY ED CHRISTMAN

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## Sound Wishes

Hallmark's New Say It With Music Series Licenses Tracks For Greeting Cards

Hallmark's latest line of greeting cards is helping the music business say hello to a new revenue stream. Hallmark Cards, based in Kansas City, Mo., has expanded its line of sound cards featuring 15- to 45-second clips of popular songs licensed from the copyright holders.

Each song clip stored on a digital chip with an internal miniature speaker, plays when a card is opened and stops when closed. Among the songs that have been deployed by Hallmark include the Rolling Stones' "Get Off Of My Cloud," to embellish a birthday card that says, "It's not the age, it's the attitude."

Another card states on the front, "You have to confess to your birthday," and opens to the theme of "Law and Order."

The inside reads, "But you have the right to remain silent about your age."

The company began its Say It With Music sound card line with a 24-card test in January, added 16 more in April and now has 224 available. Hallmark is marketing the cards with a multimillion-dollar media campaign, including direct mail and extensive TV advertising.

"The company decided to make sound cards because Hallmark cards are a part of all the big events in people's lives and music also permeates every aspect of life," Hallmark spokeswoman Diedre Parkes says. "Since Hallmark and the music industry both tap into emotions we decided to marry our cards with songs."

The cards retail for $4.99, and are carried exclusively through Hallmark's 4,000 branded stores. That includes 600 corporately owned outlets, with the remainder independent stores licensed to do business as Hallmark.

Privately owned Hallmark generates annual revenue of about $4.2 billion. It claims a 50% market share in the greeting card business, which the Washington, D.C.-based Greeting Card Assn. estimates annual sales at $7.5 billion in the United States.

It's unclear how much it costs to manufacture the cards, but sources at the major labels say the company is paying roughly 10 cents a card to license a song, with a minimum of 30,000 card units per track, yielding at least $30,000 per card line. According to licensing sources, that's comparable with the licensing fees being paid by the digital music sampling companies.

Other acts singing for Hallmark include the Jackson 5, Melanie, Argent, Nick Gilder, the Beach Boys, Kenny Rogers, Tim McGraw, Marvin Gaye, LaBelle, Gloria Gaynor, Sly & the Family Stone, Anne Grant, Gloria Estefan & Miami Sound Machine, Toad the Wet Sprocket, the Village People, the Lovin' Spoonful, the Four Tops, Brenda Lee, Louis Armstrong and Billy Ray Cyrus.

Cards come in all genres including jazz, country, Latin, and polka. Each card credits the songwriter, the publisher, the recording artist, and the label that was licensed.

The direct mail piece of the media campaign features a 20-page booklet sent to the 2 million members in the Hallmark Gold Crown Card loyalty program. The booklet includes full-page shots of Ray Charles, Willie Nelson and Manu Chao urging consumers to use music—new cards, great sounds—to make birthdays rock and to tell the one you miss. Members receive 100 bonus points in the program when they purchase a Say It With Music card.

The TV advertising is even more impressive, mid-level distribution executives said at the NARM annual convention in early August.

"Even though we sell a product that is sexy, exciting and touches emotions, we have always been weak in marketing our music to consumers," one distribution market leader said. "But just before NARM, I saw a commercial that promoted music in the way that we should have been doing all along and I wondered why we broke the mold. It was Hallmark, and if they can figure it out, shame on us."

The sound cards are not the first time Hallmark has gotten involved in selling music. Over the last three or four years, according to Parkes, Hallmark has put out albums exclusively recorded and licensed to the company for distribution in its branded stores.

Such titles include a forthcoming George Strait Christmas album, a Michael Buble album that coincided with the most recent Valentine's Day; a Sara Evans album that was issued just before Mother's Day; and Christmas albums from Michael McDonald last year and James Taylor in 2004. The Taylor title went platinum, the Buble gold.

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**ARTICLES CONTINUED FROM AUGUST 26, 2006**

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The Holiday Hit Parade

Labels Save Their Big Releases For Fall—Is It Too Much Too Late?

In fact, if recent sales trends are any indication, the biggest sellers during the holiday season are generally releases that come out in the first three quarters, not in the fourth. According to data presented by Nielsen SoundScan at NARM, only two of the top 10 best-selling albums of the SoundScan era (from May 1991 to the present) were released in the fourth quarter.

That’s why executives like EM! Music Marketing president Ronn Werné says that in addition to working the company’s fourth-quarter releases, EM! will also chase sales on current albums from Carine Bailey Rae, Lilya, KT Tunstall, Korn, Ice Cube, 30 Seconds to Mars and The Red Jumpstart Apparatus.

Another retail concern is the competition that music sales face come the holiday season. At the recent NARM conference, Hitco Entertainment CEO John Mar-maduke said during a retail panel that the video and videogame industries combined spent about half a billion dollars advertising their products in the fourth quarter. So while traffic is balanced all year with music getting its fair share, in the fourth quarter, store traffic switches heavily in favor of video and videogames.

That’s why, he says, “it is suicide to hold [music] product until the fourth quarter.”

Meanwhile, there are questions about just how big the remainder of the year will be salewise. Ngo says this year’s weak sales environment may drag down the fourth-quarter releases. “So far, getting to the fourth quarter is questionable and quite depressing,” she notes. “The releases are ramping up, but we have seen some disappointment, and the weekly SoundScan totals aren’t responding.”

According to one senior distribution executive, this year’s slate is better than usual because, for the first time since 2004, Sony BMG will be able to match Universal Music Group in bringing big sellers to market. EM! and WEA also have stronger than usual schedules.

The biggest wild card may ultimately be which albums actually get released in the fall and which wait until 2007. Those whispers were at NARM about possible new albums from Jay-Z and 50 Cent. For example. Sources close to the project say that 50’s is more likely to come out in the new year.

The industry is still awaiting details and street dates for a number of releases from big-name acts. “I want to be optimistic, but it’s still too early to say how it will shape up because the vendors haven’t committed to all the albums they say are coming,” Trans World Music division merchandising manager Jerry Kamlier says.

Finally, there’s always a sleeper album of the holiday selling season. This year, Ngo believes it will be Youssouf N’Dour, who stopped recording as Cat Stevens in 1978.

“Given the state of the world as we are and the frightening and entirely new realities that is happening around the world, for these last 10-15 years, people are completely scared, and it reminds me of the 1960s and 1970s, when people protested the war,” she says.

Ngo has heard of some of the songs and adds, “[Stevens’s] record responds to those issues... and he is a real samarian.”

The Killers, “Sam’s Town” (Island)
Omarion, “21” (Epic)
George Strait, title TBD (MCA Nashville)

OCT. 10:
Andrea Bocelli, “Under the Desert Sky” (Universal Classics)
Jimmy Buffett, “Paddlin’ Out” (Mushboat)
Rod Stewart, “Still the Same” (Warner Bros)
Sting, “Songs From the Labyrinth” (Deutsche Grammophon)

OCT. 17:
Vince Gill, “These Days” (MCA Nashville)
Jojo, “The High Road” (LaFace)
Sarah McLachan, “Wintersong” (Arista)
Diddy, “Press Play” (Bad Boy)

NOV. 7:
Sugarland, “Enjoy the Ride” (Mercury)

KEITH CRoTCH ON TBB (Capitol Nashville)

NOV. 14:
L.L. Cool J, title TBD (Def Jam)
Mya, “Liberation” (Universal)

NOV. 21:
Il Divo, title TBD (Columbia)
Lee Ann Womack, title TBD (MCA Nashville)

Tomorrow People

The Best Of What’s Still To Come In ’06

Lloyd Banks, “Rotten Apple” (Interscope)

OCT. 5:
Audioslave, “Revelations” (Epic)

Lloyd Banks, “Rotten Apple” (Interscope)

SEP. 5:
Audioslave, “Revelations” (Epic)

Lloyd Banks, “Rotten Apple” (Interscope)

SEP. 12:
Basement Jaxx, “Crazy Itch Radio” (Island)
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**MOTOWN SEALS ULTIMATE DEAL**

Major Will Promote, Distribute Acts On T.U.G. Label

Chris Stokes, CEO of the U-Minute Group, has entered a joint venture with Universal Motown. Under terms of the agreement, Universal Motown will supply marketing, promotion and distribution services for Stokes' record label, T.U.G. Stokes will report to Universal Motown president Sylvia Rhone and Universal Motown Records Group chairman/CEO Mel Lewinter.

A source close to the Stokes/UMRG negotiations described the agreement as a 50/50 profit-split deal—a rare occurrence at UMRG and other major labels. In talking to Billboard, however, UMRG executives declined to reveal specifics about the deal.

Rhone and Lewinter singled out Stokes' vision and creativity as their reasons for aligning with T.U.G. "Entertainment and music are in his blood," Lewinter says. "He brings a creativity and talent so necessary in today's market." Rhone, who signed early Stokes discovery Brandy while working as a senior VP at Atlantic, cited his instincts for spotting new talent and a rare insight for realizing what it takes to execute all aspects of the creative vision from start to finish. "His track record has been unusually successful," Rhone notes. "From the beginning, he possessed a unique sensitivity in regard to artist development, which will serve him particularly well in his latest forays into TV and movies."

Stokes views his new association with UMRG as an encouraging sign for other up-and-coming African-American music industry entrepreneurs. "There aren't a lot of us doing this anymore," Stokes says. "Hopefully, this will spur more opportunities as well as encouragement for brothers that associations like this are still possible."


This isn't the first time that Stokes has worked within the Universal fold. His initial association with Universal dates back to the early '90s when he managed RCA Records teen trio Immature's lineup Houston. At Motown, under former president Kedar Massenburg, Stokes collaborated on projects by O'Ryan and Young Rome. During Rhone's tenure at Elektra, Stokes brought Houston to the label as a solo artist, releasing the album "Mill."

Stokes is best-known for his management and production collaborations with B2K, the Epic Records male quartet that recorded the 2002 hit albums "B2K" and "Pandemonium" before later breaking up and splitting off member Omarion as a solo artist. The group, along with Houston, starred in the 2004 movie "You Got Served" (Screen Gems), written and directed by Stokes. Stokes' background also includes writing and directing "House Party 4" (New Line Cinema) and a stint as VP of A&R at Interdisc Records.


Upcoming Ultimate projects include the films "You Got Served II" and "Somebody Help Me," both starring Omarion and Houston. Stokes is set to direct "Served II" and is currently in discussions with Screen Gems regarding its release. He is also due to write and direct "Somebody Help Me," which has no formal studio attached to it yet.

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**StreamCast On The Edge**

P2P Perseveres Amidst A Muddled Legal Future

StreamCast Networks chief executive Michael Weiss has set himself up at the poster child of peer-to-peer defiance. As litigation mounts and a judgment against the company is expected any day now, StreamCast continues to release even faster file-sharing software.

The latest blow to StreamCast came Aug. 14, when the company was hit with a patent infringement lawsuit. Just two weeks after settling all litigation with record labels and movie studios for their Kazaa connections, Aflinet, Brilliant Digital Entertainment (BDE) and Kinene sued StreamCast and Weiss over an alleged "TrueNames component of Morpheus." StreamCast denied any infringement.

Weiss' company is the lone holdout still fighting the entertainment industry in the MGM Studios vs. Grokster case. After the U.S. Supreme Court unanimously held in June 2005 that a company could be liable for "inducing" copyright infringement, Weiss stood his ground while the case made its way back to the District Court to review any evidence of inducement. "We're just going to continue to innovate and come up with new products," Weiss told Billboard after that ruling. "We intend to continue our fight. The David vs. Goliath battle will continue, and we're staying in this for the fight."

Now the court is sending out more ominous tone. During a hearing on July 17, Judge Stephen Wilson said he was "inclined" to find StreamCast liable for inducing copyright infringement. Industry sources say that Weiss has engaged in negotiations with the major labels within the past year, but those talks have yet to produce a settlement.

"In the court's view, the evidence is overwhelming in favor of [the entertainment industry]," he said.

Wilson also said, "In large measure, the damage question is not the real crux of the case... They don't have that money to pay the entertainment industry parties... It's going to be more than they can pay."

Music- and tech-industry sources say that StreamCast's financial resources are certainly dwindling. The Web site of Portland, Ore.-based Timberline Ventures, a financial backer of StreamCast, is no longer up. The sources speculate that the company's original investors are pulling out whatever money they can as they brace for the ruling in the Grokster case, which may come any day now.

Don't count Weiss out just yet. Though the company is still pulling in revenue from advertising. Its latest version of Morpheus has been downloaded hundreds more than 156 million times since July 11.

Meanwhile, StreamCast has a shot at making money from its lawsuit filed in January against Internet telephone company Skype Technologies, eBay, Alnet, BDE and others. StreamCast claims it had a contractual right to be the first to acquire Kazaa's core technology, which allegedly became part of Skype. Last September eBay acquired Skype for $2.6 billion, eBay stock and other consideration. StreamCast claims it tried to buy the technology, but the owners refused. The company wants at least $16.4 billion in damages.

Weiss declined comment, but reportedly remains confident that everything will work out. A company representative issued a statement that read, in part, "We respect intellectual property, both ours and others."
First-Half Latin Numbers Disappoint

RIAA Report Confirms Execs' Fears As Shipments Drop

Latin music sales have only gone up for the past two years.

Yet according to the RIAA's midyear Latin market report, numbers for the first six months of 2006 were a disappointment, with net shipments at 21.6 million units, a 21% decline from the 27.6 million shipped for the first six months of 2005.

The draft report obtained by Billboard has not been officially released by the RIAA, but it confirms fears voiced by Latin music executives who for the past several months have predicted plummeting sales and high returns.

Such executives cite many of the same reasons afflicting the market as a whole: store closures, high gasoline prices, a poor economy and a reduction of space in mass-market accounts. In the Latin realm, things have been exacerbated by political turmoil in Puerto Rico, immigration issues and declining reggaetón sales.

In Puerto Rico, the government ran out of funds and the island's commerce practically shut down for two weeks in mid-May. Repercussions are still being felt, with 11 retail stores reportedly shutting down on Aug. 15.

Stateside, the Latin market is still affected by the immigration dispute, which has led to fears—real and not—of deportation and arrests, perhaps keeping people in their homes. The month of lowest shipments and highest returns, for example, was May, immediately following the immigration rallies.

"It's a perfect storm," Universal Music Latino president John Echevarría says. "There is no solution to piracy problems, and then there are immigration problems. We know there is little traffic in the malls."

It's important to note that while the RIAA numbers—shipments—are down, actual sales measured by Nielsen SoundScan for Latin music continued to go up. For the first six months of 2006, Latin music sales totaled 18.5 million units, up from 17.1 million for the same time period in 2005.

The RIAA's shipment numbers and SoundScan's sales figures are inching closer and closer in the Latin world, where a greater percentage of music sales are leaving mom-and-pop shops—not all of which report to SoundScan—and migrating to mass merchants.

but while sales in accounts that report to SoundScan have actually grown, they didn't match the higher expectations of retailers. This meant higher returns, which then yielded lower net shipments.

According to the RIAA report, there were hefty returns for every Latin subgenre, totaling 8.6 million units for the first half—a 30% jump from the 6.6 million returns for the same period of 2005.

But proportionally, the most affected subgenre was urban music, which is predominantly reggaetón. More than one-third of the urban product shipped, or 37%, was returned in the first six months of the year.

"The retail community supported reggaetón, but they overbought," one executive says. "And labels went crazy with the compilations."

The fourth quarter brings major releases from such acts as Daddy Yankee in the urban realm and Los Temerarios in regional Mexican, all of which should positively affect sales.

"I don't think it will be a happy Christmas," Venemusic VP Jorge Pino says, "but I do think things will get better."
Music Tunes In To Web TV Boom

TV is moving online, and the music industry wants in on the action.

Skyrocketing broadband Internet penetration rates have made watching video via computer—be it on-demand, streaming or download—an almost mainstream trend.

More than two-thirds of existing U.S. Internet connections now feature broadband speeds, and according to PricewaterhouseCoopers, global broadband Internet penetration is expected to jump from 187 million households last year to 533 million by 2010.

The result is that never could survive in the one-size-fits-all world of broadcast TV finding its niche online. Programming on traditional TV has to reach an audience quickly to justify the cost of broadcast. Online, it’s more of a “Long Tail” model, where shows can take time to develop.

Most recently, celebrities like Tom Green and Bill Maher have launched versions of their respective canceled talk shows in an Internet-only format.

This has emboldened big media networks and smaller startups alike to experiment with offering niche programming via the Internet as well.

NBC Universal, for instance, has several niche video sites in development, including OutzoneTV.com, which targets the gay male community; the comedic DocComedy.com; and Brilliant But Cancelled.com, a resting place for programming that never quite made it on TV.

CBS also launched its own offering of original video and repurposed content called InnerTube.com.

If anything, these big media moves are a result of the success gained by smaller upstarts threatening to eat their lunch online. Companies like ManiaTV, which airs Green’s show, and Atom Entertainment are on the early fringe of this phenomenon and have subsequently reaped the benefits.

This month, Viacom purchased Atom for $200 million with plans to add the company’s programming to the MTV Network’s stable of content. ManiaTV says it has jumped from 3 million visitors per month earlier this year to 5 million, with the average viewer hanging out for almost a half-hour. According to Internet marketing research firm Hitwise, the site now enjoys a greater audience than MTV Overdrive and iFilm for online video.

And then there’s this year’s Internet Cinderella story—YouTube, which grew from relative obscurity to 100 million streams per day based on a communal user-generated content model. The company is in negotiations with record labels to host music videos and perhaps additional artist content on the popular site via an ad-supported model.

So what does all this mean for the music industry?

The phenomenal success of ringtones has fundamentally altered how executives view the music business. Whereas it once was a simple matter of selling shifty plastic discs with music on them, the industry is embracing the notion that its future is selling not CDs, but entertainment.

As such, record labels are taking steps to form their own TV production units, to produce content for online outlets, perhaps even their own.

“Music companies are trying to diversify their businesses and are looking at broadband to do so,” says Shahid Khan, a partner with entertainment industry consulting firm IBB Consulting. “Not just to monetize music videos, but they’re launching full-fledged TV-type businesses on broadband.”

In June, Universal Music Group’s (UMG) U.K. division launched a TV production unit called Glove Productions that focuses on pushing its artists onto new TV formats and platforms.

The programming is expected to include documentaries and reality programming, and there will be more such content than music videos.

“There are many angles which we can explore which go beyond the music-based formats people may expect to emerge from this,” Globe director Anita Land said in a statement at the time of the unit’s unveiling.

The UMG division follows a similar move by Sony BMG’s Australian division last December. Sony BMG chairman Andy Lack has publicly stated the need for record labels to get into the film and TV business “on a selective basis.”

The niche programming gaining traction on all these formats is particularly suited for music-themed shows, says Stefan Goldberg, head of acquisitions for ManiaTV. About 60% of the company’s online programs are music-related.

“We’re smack in the middle of creating these new outlets which are better for the labels than anything since MTV,” he says. “It’s almost back to the future.”

Analysis and executives at user-generated services say that the involvement of music labels may lead to more robust content offerings on such services as YouTube.

“There’s still a place in all this for a programmer,” Goldberg says. “It may be more of a curator, but there is a valuable place for prefiltering.”

Soon, instead of licensing music to TV shows that others produce, labels will produce their own TV programming for online outlets.

“These large record companies are not only in the business of selling music, but also in the business of marketing and promoting it,” Khan says.

“The idea is, it’s going to come back to brand, packaging and aggregation.”

BITS & BRIEFS

WILD (DIGITAL) BOYS

Durian Duran plans to join the online game “Second Life.” The group members have commissioned the creation of their own custom avatars—digital representations of themselves—to perform “live” concerts and make media appearances within the virtual world in conjunction with real-world events. Duran Duran is the first major act to establish a presence in the 500,000-strong “Second Life” community.

VMAs ADD GAME MUSIC CATEGORIES


SINGING IN SIMILSH

Teeny boppers Aly & AJ have agreed to translate their hit single “Chemicals React” into the “Simlish” language used in the popular videogame series “The Sims.” The single will be incorporated into the next “Sims” release—“The Sims 2 Pets,” scheduled to be released Oct. 17. The sisters also filmed a music video of the single inside the “Sims” virtual world, which is included in a DVD release of the music, clips of which are available at Yahoo Music. Simlish is a sort of Charlie Brown’s teacher-like sing-song speech that has no actual words.

HOT RINGTONES AUG 26, 2006 Billboard

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<td>THE PINK PANTHER THEME</td>
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<td>3G</td>
</tr>
<tr>
<td>9</td>
<td>LAFFY TAFFY</td>
<td>LIME</td>
<td>3G</td>
</tr>
<tr>
<td>10</td>
<td>WHAT HURTS THE MOST</td>
<td>MUDDY WATERS</td>
<td>3G</td>
</tr>
</tbody>
</table>

A modest 5% increase lifts Pantel at the Disco’s 5th Annual “5GB+ Hits Not Tragedies” 5-4. The title scores its highest single-week tally amusing 9,500 downloads in its 17th week on the chart.

MISSING BOAT

IMPOSSIBLE | ASK JORDAN
Halloween | JAY FRANCO.
BEST FRIEND | SCREW 8-9-10
SWEET HOME ALABAMA | THE BLACK \& WHITE +1
DOWN | MARK EMERSON
GIMME THAT | 23
CANDY SHOP | DAWN \& THE OTHERS
HIDE WIT ME | AURI \& MARK SIMS
BECAUSE I GOT HIGH | KEROMO
BAD BOYS | DERNI

Based on proprietary research provided by jive, data used therein.

MEX | CTIA
Me | Mobile Entertainment Forum.

MC

ANTONY BRUNO
Sweet Cleans Up With Soaps

‘Passions’ Play For Pop Newcomer

The 2 million viewers of NBC’s daytime soap opera “Passions” are used to seeing steamy affairs, motorcycle accidents and wronged lovers toting baseball bats on a daily basis. But on June 28, they were treated to something new courtesy of 18-year-old newcomer Kelly Sweet.

Sweet isn’t a long-lost relative or a new love interest for one of the soap’s cast of larger-than-life characters. She’s actually an adult-pop-leaning artist whose debut album “We Are One” (Razor & Tie), due next year, received valuable exposure via a segment on the show that lasted nearly two minutes. The power-pop ballad was featured during a flashback scene.

It’s part of an innovative brand-marketing strategy that will also see album track “Ready for Love” receive a three-minute close-up Aug. 22 on ABC’s “One Life to Live” soap, reaching a likely 3.1 million viewers, according to the most recent Nielsen TV ratings.

“In 2006, everyone is trying to figure out the best way to introduce a new artist to as wide an audience as possible,” Razor & Tie co-founder Cliff Chenfeld says.

Included in this audience are people like “One Life to Live” supervising music director Paul S. Glass. “I needed a song for a developing relationship story line that was sweet and innocent, that expressed a new beginning and that had touches of sophistication,” he says. “Many songs are so packaged and produced that the emotion doesn’t ring true. Texturally, Kelly’s song has a fresh feel, and the emotion rings true.”

Los Angeles-based Sweet couldn’t be happier with these music placements. “There are so many soap opera fans,” she says. “And because music is not often heard on daytime soaps, when music does come on, those watching at home go, ‘What is that?’”

Indeed, prime-time series like “Grey’s Anatomy” and “The OC” get all the attention, but daytime soaps are bringing music and acts into their world with more frequency.

Last October, the Rolling Stones debuted the video for “Street of Love” on “Days of Our Lives.” The song was also played in the background of several key scenes. In recent weeks, Rihanna appeared on “All My Children,” while Mary J. Blige appeared and performed two songs on “One Life to Live,” driving up sales of her latest album, “The Breakthrough,” by 40%.

Following the “Passions” episode, Sweet says she saw an increase of 375 friends on her MySpace page, compared with 50 new friends added the week before.

To make the most of this online interest, beginning Aug. 22 for 30 days, “We Are One” and “Ready for Love” will be available for download at Yahoo Music, which is also streaming the video for the former.

For Razor & Tie senior VP of marketing Michael Krumper, the best partnerships will increase artist exposure “in situations where consumers aren’t expecting to learn about music,” he says.

According to Krumper, those discovering Sweet form a large demo, from teens to older adults. So working with the right partners “will reach those potential fans—some of which aren’t seeking music through traditional means,” he notes.

“The photogenic Sweet appears tailor-made for a variety of brand partners, and Chenfeld is confident such impressions will add up in a major way.

“Kelly sells millions of downloads and CDs, I’ll be thrilled,” Chenfeld says. “But in today’s music industry, success can be found in more places.”

Decision-makers, take note: Sweet is confirmed to participate at the Music Upfront artist showcase Sept. 26 at B.B. King Blues Club & Grill in New York. The day long event, hosted by Billboard and Adweek, coincides with Advertising Week.

SWEET
iTunes Makes Slow Progress in Japan

Negotiations Between Apple Music Service and Region's Hold-Out Labels Continue Over Burning, Pricing Issues

TOKYO—Four days after launching its iTunes service in Japan on Aug. 4, 2005, Apple boasted it had already sold 1 million downloads.

A year has passed since that early milestone, and while iTunes Japan continues to claim market leadership in PC downloads, the service has kept mum on its sales performance ever since.

It is generally accepted that the introduction of iTunes helped boost the nascent download market, but Apple Computer's music download service continues to persevere without licensing arrangements with BMG, Sony Music (the two majors remain separate in Japan despite the Sony-BMG merger elsewhere), Warner Music Japan and Victor Entertainment. Collectively, they account for 25% of the music market, according to labels body the Recording Industry Assn. of Japan (RIAJ).

The potential for breakthrough success in Japan's digital market is enormous. Female hip-hop artist Ai's "Story" has registered 2.6 million download sales since the Def Jam Japan single was released May 18, 2005, her record company says.

But evidence of a breakthrough with the hold-out labels is no more obvious now than it was a year ago. In the meantime, such acts as Puffy AmiYumi (Sony), Crystal Kay (Sony) and SEAMO (BMG) continue to miss out on iTunes sales.

"Various issues need to be resolved," says Giles Duke, BMG Japan VP of communications and international affairs. Industry sources have cited burning capabilities as well as pricing, promotional and other fees as the sticking points in negotiations.

A Sony Music spokesman says that "negotiations are under way," although that statement was also used as far back as two years ago.

Apple representative Michiko Matsumoto says, "We are talking to many new labels, but we have no words to say about the negotiations." Despite the impasse, Matsumoto says iTunes' catalog now offers 2 million songs, 3,500 videos and 65,000 podcasts.

Industry sources confirm Apple is market leader in PC downloads, ahead of Sony-led Mora in second place and the alternatives—such as Moools, Listen Japan, Any Music, Excite Music, Goo Music Store, Oricon—trailing far behind.

Netstar Records executive Keisuke Bukimitsu explains that the competitors tend to offer a better cut than iTunes. "Basically, with iTunes, we end up paying 40%-50% whereas with other companies, it's only around 30%. iTunes is very expensive."

A Universal Music Japan spokesman says that iTunes' rift with content providers has hindered the digital music business. Other industry source explains that "iTunes charges labels for promotional campaigns" and this increases the cost for labels, especially smaller labels. An Apple spokesman would not elaborate.

Some executives suggest that the iTunes issues are a symptom of a deeper malaise, which spreads across the download industry. "To me it's a case of technology moving too fast for everyone to keep up and them trying to cash in quickly," TKO Records owner Glenn Williams says.

Japan's digital music market now generates quarterly sales of about ¥1.2 billion yen ($10.35 million) for Internet downloads—roughly triple the amount of a year earlier—according to the RIAJ. Similar rises also occurred in the past, however, represent a drop in the ocean compared to the mobile music market in which Apple has little involvement.

Music-to-mobile accounts for about 96% of the digital market, the IFPI says in its 2006 "Digital Music Report."

In a sign of progress for iTunes Japan, its dispute with authors' society JASRAC over royalty payments looks to be nearing a conclusion. As previously reported, JASRAC was unable to process royalty payments from works sold on iTunes Japan due to "a lack of compatibility" between its database and that of iTunes in the United States (Billboard, June 17).

"We had negotiations with Apple last week, and we have a kind of agreement to solve the problems," a JASRAC spokesman says. "If the agreement we discussed works there will be no further problems."

The issue arose because JASRAC's database is in Japanese while iTunes' extensive catalog is in English. The JASRAC spokesman said the sheer size of the Apple catalog was part of the problem.

GLOBAL NEWSLINE

>>GERMAN BIZ DOWN IN FIRST HALF

The German recorded-music market in the first half shrank in volume to 68.3 million units, down 3.4% from the same period in 2005, according to local labels body BPW.

CD album shipments in the first half were flat at 54.6 million units. At the same time, cassette albums dropped to 2.3 million units from 3.0 million in 2005. Meanwhile, the volume of full-track downloads in the first half jumped to 10.2 million tracks, up 36% from the first six months of 2005.

"Despite the encouraging growth in music downloads, the fact is that digital formats are still performing worse under potential," BPW chairman Michael Haentjes says.

At 6.5 million units, shipments of singles were down 11 million units from the previous year, representing a 14.5% slump. By contrast, deliveries of music videos rose by 4.7% to 4.5 million units.

--Wolfgang Spahr

>>UMGI DIGITIZES WEBBER'S HITS

Universal Music Group International has struck a digital-distribution deal with Andrew Lloyd Webber's live entertainment production company Really Useful Group. UMGI, which has sold more than 30 million physical units of singles and albums for RUG's musicals since 1970, has clinched the global rights to the online and mobile versions of RUG's entire catalog.

"This deal brings the biggest and best-loved musicals of all time into the digital age," UMGI chairman Lucian Grainge says. The move means consumers can soon purchase full-track digital downloads and master ringtones of songs from such international hit musicals as "Evita," "Joseph and the Amazing Technicolor Dreamcoat" and "Cats."

--Juliana Koranteng

>>MYSPACE DOWN UNDER

On Aug. 14, Internet lifestyle portal MySpace.com pressed the button on an Australian site, its first in the Asia Pacific region. It follows localized branches in the United Kingdom, Ireland and France, which have gone live since June.

"With Australia's size, contributions to global culture and the fact that more than 1 million Australians joined our community prior to our official launch, we did everything possible to quickly develop the local site for Aussie users," MySpace co-founder/CEO Chris DeWolfe says in a statement. Veteran local label executive Rebekah Horne will oversee local marketing and content in Australia and New Zealand.

--Christie Elzeer

>>DIGITAL BOOSTS SWEDISH BIZ

After four years of decline, Sweden's recorded-music market is showing signs of flattening out. For the first six months of 2006, the recorded-music market dropped 1.4% in value at 383.9 million kronor ($54 million) based on a volume of 17.6 million units, according to local industry body GLF.

Although shipments of physical product—CDs, vinyl records, music cassettes and music DVDs—reported a shortfall, digital forms of music are filling the void. GLF says that in the first six months shipments of digitally distributed music rose 422% to 2.77 million kronor ($3.9 million).

More than 50 million songs are now being downloaded, with digital content up 72% from the first half of 2005. GLF did not report digital shipments in the first half of 2005.

Meanwhile, physical formats during the six-month period registered a 3.6% decline in value at 356 million kronor ($50.1 million). Album shipments dropped 8.9% in value to 333.3 million kronor ($46.9 million) and 7.6% in volume to 6.7 million units.

--Jeffrey de Hart

>>WMI RINGS UP RUSSIA DEAL

Warner Music International has clinched a deal with Russian network operator VimpelCom and its new music platform. The new VimpelCom service, scheduled to launch in late August on mobile-entertainment portal Beeline, WMI will supply recordings from its extensive catalog for full-track downloads and other related content such as ringtones and videos. The deal focuses only on Russia where Beeline boasts more than 50 million subscribers. --Juliana Koranteng
France Bites Apple
Lawmakers Insist On Interoperability

PARIS—After seven months of heated debate, France’s closely watched law on copyright became effective Aug. 3.

France is the last European country to bring its law into line with European Union-wide requirements of the Copyright Directive. Yet, French lawmakers have gone further with the related rights in the information society bill, particularly on Apple Computer’s béte noire, interoperability.

“No other country in the world than France has legislated on interoperability in such details,” says Olivia Regnier, the IFPI’s European regional counsel.

The law sets up a new independent body to regulate digital rights management (DRM) issues. Regulators will be entitled to command a company such as Apple to provide competitors with information that would ensure iPods play songs from competing digital stores, and allow songs purchased on iTunes to play on non-iPod portable music devices. Apple would be allowed to seek compensation for this.

The provision on interoperability satisfies Julien Ulrich, managing director of VirginMega, iTunes’ main competitor in France. “We have always wanted to license Apple’s technology in fair conditions,” he says. “If I am able to sell to iPod owners, my target market grows by half in France.” Ulrich says that VirginMega will soon decide how to best take advantage of the new law.

Having described an earlier draft of the bill as advocating “state-sponsored piracy,” Apple declined to answer Billboard’s questions on the activation of the law.

Analysts are cautious on the topic of whether the French law could really force the likes of Apple, Sony Corp., or Microsoft to lay bare their technology to competitors.

“The French law essentially leaves interoperability matters to the regulators on a case-by-case basis,” Jupiter Research VP/research director Mark Mulligan says. “So we need to wait and see what regulators will do; step two is to see the results of court challenges that are very likely to happen.”

Though acknowledging the benefits of interoperability, Mulligan says he regrets that the French government did not work hand in hand with the industry. “If it turns out that Apple is forced to open their format, then I think they will leave the French market, which will worsen French consumers’ choice and damage the digital music market.”

Paris-based international intellectual property lawyer Iliana Boubekeur adds, “France asked the essential questions, though without giving appropriate answers. Maybe other European countries or the European Commission itself will open deeper discussions and negotiations on these topics.”

Meanwhile, the recording industry welcomed French lawmakers’ support for the legitimate download market.

“Of most importance is that the law clearly legitimizes DRMs,” says Hervé Rony, director general of French producers’ trade body SNFP. “The intellectual property right is now clearly attached to the property right, which provides the highest level of protection.”

Opponents to the law have not said their last word. “This law will prove inefficient. You can’t control the swap of files between end-users,” says Jean-François Dutertre, delegate general of artists collecting society Adami.

Along with other artist and consumer organizations, Adami advocated a controversial global license system, which would effectively legalize file-sharing in exchange for a monthly fee paid by consumers.

Though French lawmakers ultimately rejected the global license, Dutertre predicts that the debate will return. Indeed, in a statement released Aug. 2, the Socialist Party committed to file a new copyright law if chosen to govern France after the 2007 presidential elections.

French lawmakers: Not fans of the iPod?
The Future Of Indie Retail?

Cilantro, Bets One Denver Store

Maybe the future of independent retail is in real estate.

One of the country's premier indie outlets, Denver's Twist & Shout, is getting a new locale this fall—and it is bringing Mexican fast-food chain Chipotle with it.

In the third week of October, Twist & Shout is tentatively scheduled to open in a new home about five miles from its current spot. The store, which won retailer of the year, small division at this year's NARM convention, will anchor a new entertainment complex near the corner of Colfax Avenue and Josephine Street, directly across the street from East High School.

Adjacent to the new Twist & Shout is the revered indie Tattered Cover Book Store, and moving into the complex are independent movie theaters, music photography house the Morrison Hotel Gallery and the Denver Folklore Center.

Twist & Shout owner Paul Epstein is one of five local business owners who are helping to build the complex from scratch. He'll own his store, and will count Chipotle and the Morrison Hotel Gallery as tenants. Epstein says the Neighborhood Flix Cinema will own the other half of the complex, which will contain parking for about 300 cars.

Tattered Cover, the Denver Folklore Center and Udi's Handcrafted Foods are also investors in the project, which the Denver Post put at a cost of about $15 million. While not revealing his portion of that number, Epstein says he's taken out "gigantic loans" to foster its completion.

"It's crazy to be doing this at this stage of the industry," he says. "but the game here is to be a landlord and get into real estate. I want to leverage my music business into a real estate business."

 Epstein notes that business is "depressing, but we're doing OK." By moving, Twist & Shout will no longer have rent as an expense, and any further dip in indie retail sales will hopefully be offset by money coming in from the new tenants. He also hopes that being across the street from a high school will see a pickup in sales of mainstream and hip-hop titles—a customer Epstein thinks he can gain without losing his loyal indie shoppers.

Epstein has been up front about his new location, but has not yet announced what will happen to his current stores, the main location at 300 E. Alameda Ave. and the vinyl- focused Twist & Shout Underground at 333 E. Alameda.

Leases on both stores will not expire for three years, and Epstein has been looking into finding subletters with the goal of operating one location.

Epstein has grand ideas for the new locale. He's working with Denver-based music video director Michael Drumm to create a stage and recording area in the center of the store, with the goal of taping performances for future release.

In the hopes of adding another revenue stream, Epstein says he's in talks with the Coalition of Independent Music Stores' Junketboy distribution arm as well as a larger retail distributor to give the Drumm-shot films a bigger audience.

On a sadder note, Epstein says he'll finally be forced to part with his "psychedelic poster collection" that graces the Twist & Shout walls. He values the archive at more than $1 million.

"I'm not at all ready to part with them, but I have to," he says. "My house is about to fall over from the amount of stuff I have in it. It's time to sell it, but I'm going to keep the best stuff, believe me."
KEY CANADA HEARINGS

Copyright Board Will Consider Digital Music Rates

TORONTO—Hearings that could dramatically alter the way labels and publishers share online music revenue in Canada begin Sept. 6.

The proceedings, before the Copyright Board of Canada in Ottawa, will be the first time rates for the online sale of music have been considered by the federal-appointed tribunal.

On April 28, CMRRA/SODRAC Inc. (CSI) filed its statement of case with the board. It seeks tariffs in three categories of online music use: permanent downloads; limited downloads as provided by subscription services; and on-demand music streams.

CSI is a joint venture of Montreal-based Society From Reproduction Rights of Authors, Composers and Publishers in Canada (SODRAC) and Toronto-based Cana
dian Musical Reproduction Rights Agency (CMRRA). They represent 95% of music publishers operating in Canada.

"These hearings will set the dynamics of our business for years," says CSI VP David Basskin, who is also president of CMRRA.

For permanent downloads, CSI proposes a rate of 15% of the retail price with a maximum of 10 cents Canadian (9 cents) per track. For subscription services offering limited downloads, CSI proposes 8% of
gross revenue.

CSI further proposes that services authorizing copying of musical works onto portable devices pay a minimum fee of $1.40 Canadian ($1.24) per subscriber per month, while services that do not allow portability pay a minimum of 60 cents Canadian ($0.53) per subscriber.

On-demand streaming services will be asked to pay 5.8% of gross revenue with a minimum monthly fee of 45 cents Canadian ($0.40) per subscriber.

Since Canada's first digital music service opened in 2003 with the launch of Puretracks, online music services have been paying advances to publishers via CSI pending a tariff decision. CSI and the major labels declined to reveal the interim rate.

Parties that have filed an opposing joint statement notice—not yet on the public record—include the Canadian Recording Industry Assn.; the Canadian Assn. of Broadcasters; Canadian telecommunication giants Bell Canada and Rogers Wireless; Napster; and Apple Canada.

According to sources, in the joint notice, multinationals in Canada, represented by the CRIA, have taken the view, similar to their U.S. counterparts, that their deals with digital services should be for sales of records rather than licenses for the recordings. They will reportedly seek to each oversee their own separate blanket licensing deals for the digital distribution of music.

Sources indicate that while Sony BMG Music Canada had pushed this strategy from the start of negotiations with CSI in 2003, EMI Music Canada, Warner Music Canada and Universal Music Canada only recently decided to follow suit. One source claims this was due to Basskin's "adversarial" approach in initial negotiations. Basskin refused comment on that claim.

The CRIA refused comment for this article, citing the pending hearings.

CSI, Basskin says, will aggressively seek protection of publishers' and songwriters' interests at the hearings. "Record companies do not have, and never will have, our interest at heart. Look at their history of mechanical licensing. Would you trust these people?"

"These hearings will set the dynamics of our business for years.'

—DAVID BASSKIN, CSI
Optimism Felt At IAAM Confab

Arena Managers Upbeat Over Strong Year, Promising Fall

In San Antonio, attendance was up and the vibe was positive at the 81st annual conference and trade show of the International Assn. of Assembly Managers, with about 2,600 attendees.

The trade confab, held Aug. 4-9, hosted 1,400 exhibitors (including Billboard) of goods and services catering to the venue industry. More than 56 sponsors were onboard this year, according to IAAM executive director Dexter King. He adds that this was the "smoother" conference of his five years at the helm of the association.

King says attendees had a "sense of optimism that comes out of coming off strong seasons." Arena managers in particular have plenty to be upbeat about, with concert grosses well up over last year and an impressive lineup of tours set to roll out for late summer and fall. Arena managers cited the Live Nation-produced Madison tour as a big winner at the box office, but not without its challenges and difficulties in hosting.

As for the association, King says the IAAM is in its "best shape ever" financially. He added that IAAM feedback indicated that the majority of members found the venerable organization "more meaningful" to them than it had been in several years, if ever.

THOROUGHBREDS: In other news from the conference, Philadelphia-based facility management firm SMG says it will work with Rolling Stones producer Michael Cohl in staging a Sept. 29 concert by the Stones at legendary Churchill Downs in Louisville, Ky., home of the Kentucky Derby.

The stage for the show will be set up on the track's fourth turn. This will be the venue's first major concert, therefore the Stones have had to make some concessions in their typical bocadillo stadium production, such as the band's traditional show-ending pyro display. Those in the know say racehorses are cool with sustained noise, like "Start Me Up" segueing into "It's Only Rock'n'Roll," but it's the sudden booms that freak out those forwards. So precautions will be taken to ensure that this billion-dollar band does not startle those million-dollar ponies.

RED HOT: In one of the most anticipated North American runs of 2006, the Red Hot Chili Peppers follow their sold-out tour of Europe, an appearance at the Fuji Festival in Japan and a headlining slot at Lollapalooza with a tour that began Aug. 11 at the Rose Garden in Portland, Ore.

Some 40 dates are on the books as of now, including doubles at the Oakland (Calif.) Arena (Aug. 24-25); the Forum in Los Angeles (Aug. 31-Sept. 1); and the Air Canada Centre in Toronto (Sept. 25-26); Continental Airlines Arena in East Rutherford, N.J. (Oct. 17-18); Wachovia Center in Philadelphia (Oct. 23-24); and surely other markets as tickets go on sale. This is a sighting tour, booked by Don Muller at Creative Artists Agency. Q Prime manages the Peppers. ATTENTION: With the third annual Billboard Touring Conference & Awards quickly approaching (Nov. 9 in New York), this is a good time to remind everyone to report their box-office numbers to Billboard Boxscore managing editor Bob Allen (ballen@billboard.com) in a timely fashion so we can count those figures when determining winners for our Touring Awards. Our finalists and winners are based upon actual box-office data as opposed to any kind of popular vote (we're not in high school anymore), so we want to be as accurate and up to date as possible. The time period covered for the 2006 Touring Awards is Dec. 1, 2005, through Sept. 30, 2006.

**ARTIST(S)** | **GROSS/BOX OFFICE** | **Attendance** | **Promoter** |
--- | --- | --- | --- |
**1** | **$2,372,620** | **11,068/12,160** | House of Blues Concerts, AEG Live |
**2** | **$2,281,744** | **10,123/11,360** | Live Nation, Cirque du Soleil |
**3** | **$2,053,029** | **9,053/9,760** | Companies West/AEG Live |
**4** | **$1,989,219** | **8,053/9,360** | Live Nation |
**5** | **$1,918,916** | **7,803/9,160** | Allen Promotions |
**6** | **$1,615,043** | **6,550/7,650** | Live Nation |
**7** | **$1,420,880** | **5,250/6,760** | Live Nation, Cirque du Soleil |
**8** | **$1,293,045** | **3,950/5,550** | Live Nation, Cirque du Soleil |
**9** | **$1,193,500** | **3,150/3,950** | Live Nation, Cirque du Soleil |
**10** | **$1,082,700** | **2,100/2,750** | Live Nation, Cirque du Soleil |
**11** | **$1,058,033** | **2,050/2,700** | Live Nation, Cirque du Soleil |
**12** | **$944,122** | **1,750/2,300** | Live Nation, Cirque du Soleil |
**13** | **$924,345** | **1,650/2,100** | Live Nation, Cirque du Soleil |
**14** | **$911,454** | **1,600/2,150** | Live Nation, Cirque du Soleil |
**15** | **$909,414** | **1,550/2,000** | Live Nation, Cirque du Soleil |
**16** | **$879,329** | **1,450/1,750** | Live Nation, Cirque du Soleil |
**17** | **$847,099** | **1,350/1,600** | Live Nation, Cirque du Soleil |
**18** | **$810,471** | **1,300/1,550** | Live Nation, Cirque du Soleil |
**19** | **$760,452** | **1,100/1,400** | Live Nation, Cirque du Soleil |
**20** | **$751,243** | **1,050/1,350** | Live Nation, Cirque du Soleil |
**21** | **$749,151** | **1,000/1,300** | Live Nation, Cirque du Soleil |

**ARTIST(S)** | **GROSS/BOX OFFICE** | **Attendance** | **Promoter** |
--- | --- | --- | --- |
**22** | **$695,289** | **950/1,250** | Live Nation, Cirque du Soleil |
**23** | **$678,491** | **900/1,200** | Live Nation, Cirque du Soleil |
**24** | **$674,081** | **850/1,100** | Live Nation, Cirque du Soleil |
**25** | **$664,039** | **800/1,050** | Live Nation, Cirque du Soleil |
**26** | **$652,781** | **750/1,000** | Live Nation, Cirque du Soleil |
**27** | **$646,595** | **700/950** | Live Nation, Cirque du Soleil |
**28** | **$640,596** | **650/900** | Live Nation, Cirque du Soleil |
**29** | **$635,931** | **600/850** | Live Nation, Cirque du Soleil |
**30** | **$612,936** | **550/800** | Live Nation, Cirque du Soleil |
**31** | **$595,773** | **500/750** | Live Nation, Cirque du Soleil |
**32** | **$589,511** | **450/700** | Live Nation, Cirque du Soleil |
**33** | **$580,556** | **400/650** | Live Nation, Cirque du Soleil |
Lollapalooza the rock festival has finally supplanted Lollapalooza the failed tour in consumers' minds.

The numbers are in on the Aug. 4-6 Lollapalooza festival in Chicago's Grant Park, and they blow last year's event out of the park. Lolla grossed nearly $8 million in ticket sales, with total paid attendance of more than 166,000. Last year's Lolla, the first as a one-off festival, had a total paid attendance of 60,000 from a two-day event.

Charles Attal, president of Charles Attal Presents, is the talent buyer for Lollapalooza and co-producer of the event with Charlie Jones at Capital Sports & Entertainment. Both are based in Austin.

CSE and Attal also produce the Austin City Limits (ACL) Music Festival in Austin, and Jones says his core staff has been together since the first ACL fest in 2002. "This was probably the smoothest event I've ever been a part of," Jones says. "It's a testament to the fact that our staff has arrived." Daily paid attendance was 52,000 the first day, 56,000 the second day and 59,000 the third day when headliners Red Hot Chili Peppers closed the event.

Jones says after losing money in its first year, Lollapalooza should turn a profit this year, although final numbers aren't all in yet. "Last year was an investment year," Jones says. "This year we think it paid off."

Attal declined to divulge the event's talent budget. "It's a lot, more than we spend on ACL. I can tell you that," he says. "It's in Chicago, and bands demand more money there."

Booking the 130 bands on nine stages was a challenge, Attal admits. "It wasn't about selling the event because people knew about it. It was more about the haggling and everybody wanting top dollar, and trying to keep it within reason," he explains. "We try to keep a balance with ticket prices, which are still pretty decent."

Ticket prices began at $130 for a three-day pass and topped out at $150. Attal says he kept ticket prices in mind when negotiating with artists: "There were a couple of negotiations that I got bit on, but I think everything else came in at fair market value."

Lollapalooza is "the most expensive show in the United States to produce," Attal believes, with costs distributed pretty evenly between bands and production.

Producers brought together 80 staffers from Austin to produce Lollapalooza, many of them veterans of ACL festivals. ACL is also a downtown event held at Austin's Zilker Park, and Jones says that while the two cities are obviously different, the events are actually similar.

"It's almost the exact same stage grid, same number of bands, same number of volunteers and security," he says. "But the 'big city' status of Chicago adds wrinkles, not the least of which is expense. "We're a new company working in a new city, and we had to learn the ropes of how to do things the Chicago way," Jones says. Increased sponsorships—"way up," Jones says, over last year—help to offset some of these costs.

The revenue hierarchy at Lolla is ticket sales at the top, followed by sponsorships and merchandise/concessions sales. Merchandise completely sold out by the last day.

In year one, we had to reinvent Lolla and get people to believe it was alive," he says. "Now we're juggling with [determining] the amount of sponsorship that's too much sponsorship because we don't want it to turn into a nonauthentic music event."

Major sponsors included AT&T, Bud Light and Chicago rock station WKQX. "It was a new venture for both of us," Jones says of working with WKQX. "They're used to running their own events and probably had never paid cash to be a part of one. It definitely helped, they were all over the air, all the time."

Lollapalooza has an uneven history as a touring event, but ended on a negative note when the 2004 tour failed to even get off the ground due to dismal ticket sales. Charles Attal Presents and CSE resurrected the brand, owned by founders Perry Farrell and the William Morris Agency, last summer as a festival.

"When we first started working with this brand people thought we were out of our minds," Attal says. "You have to make sure when you redo [a brand] you give people a good experience, and all of a sudden people forget ... they don't associate it with the touring model. They associate it with the one-city model and it works."

Jones vows that producers won't rest on their laurels in producing Lollapalooza.

"We're all fortunate that it's called 'Lollapalooza' and that it's at Grant Park in Chicago," he says. "If we pay attention to the details like we have in the past I expect this event to be around in Chicago for a long time."

The ACL fest is set for Sept. 15-17. Attal and Jones will then assist Rolling Stones producer CPI in staging an Oct. 22 Stones show at Zilker Park.
Revolutionary Idea

Radio Rebellion Tour Takes Five Bands To Clubs This Fall

As opposed to large summer outings like Vans Warped tour and Ozzfest, this fall’s inaugural Radio Rebellion tour will give all-ages punk and metal fans a more intimate club experience, co-founder Graham Day says.

Day says the timing of the tour is in his favor. “Fall is prime real estate time-wise for a tour like this,” says Day, whose online music retail company SmartPunk.com is a main sponsor. “Potential fans are going back to school and rediscovering their tastes and defining what the soundtrack to their lives will be for the next school year.”

Additional sponsors include Hurley, Nike 6.0, Fuel TV, Alternative Press magazine, Action Sports Group and Hot Topic. “Combining all the sponsors’ expertise and muscle, the end goal is hopefully to make an impact for these bands and their careers,” Day adds.

Atlanta-based act Norma Jean will headline the eight-week jaunt, which hits 750- to 1,200-capacity venues across the United States and Canada between Oct. 6 and Dec. 2. Other bands on the bill include Between the Buried and Me, Fear Before the March of Flames and Misery Signals. The Fully Down and the Conversation will alternate in the opening slot. Tickets range from $15 to $17.

“For a five-band bill, I think it’s a great ticket price,” says Kenmore Agency’s Tara Ruttle, who reps Norma Jean and exclusively booked the 45-date trek. Ruttle worked with Live Nation and House of Blues as well as various independent promoters.

Organizers of Radio Rebellion include Day, Hurley’s Paul Gomez, Fearless Records president Bob Becker and California Coaches owner Stewart Teggart. Collectively, the group has experience in promoting shows, running labels, artist management and tour management. But this will be the first time any of them has helped organize a full-scale tour.

“We had a music industry experience, for, we’re confident it’s going to do well,” Day says. “We all have experience in handling shows on the road.”

SmartPunk and Hurley have produced and booked their own branded stages on the Warped tour over the years. The initial concept for Radio Rebellion came from a conversation between Day and Gomez, where the two expressed a desire to move beyond Warped and be able to pay acts; Day says the bands that played Warped on his SmartPunk stage were not compensated.

“We’re hoping to take care of the bands the best we can because it’s all about them,” Day explains. “We control the ticket price, we can compensate the bands and get sponsors involved so the bands get more out of it than just playing in front of their fans every day.”

Norma Jean vocalist Cory Brandon says he’s looking forward to playing smaller venues after recently touring on this year’s Ozzfest. Radio Rebellion will be Norma Jean’s first headline slot in two years.

At Ozzfest “we’re playing for a lot of people who have no idea who we are,” says Brandon, whose band is scheduled to drop its third full-length, “Redemer,” Sept. 12 via Solid State. “With [Radio Rebellion] it will be our show, and the intimate setting is a big part of that.”

The philosophy behind Radio Rebellion is to showcase bands that have built fan bases through grass-roots means and not commercial radio. “We’re not anti-radio or anything like that,” Brandon explains. “There’s a lot of success in this range of music without the help of mainstream radio.”

Ruttle says she usually doesn’t rely on radio play to spread the word about upcoming tours. “It’s more flier and print ads than anything,” she explains. “Now, most kids learn about music through the Internet.”

Other promotional means include Radio Rebellion CD samplers, which were available at various Warped dates and Hot Topic stores.

Day says he doesn’t expect to get rich off the tour, but doesn’t expect to lose money either. “We’re looking forward to a successful first year on the tour,” he says. “We expect to finish in the black.”

Whadya hear? Whadya say?

It is said that Tom Petty wrote “The Last DJ” about Jim Ladd, a DJ on KLOS in Los Angeles, because Ladd is one of a handful of DJs in the country who can play whatever he wants.

Well, Ladd returns the favor this week, suggesting we check out Petty’s new record, “Highway Companion,” which we agree is particularly cool.

Garageville being a band thing, we don’t like solo records as a rule. But rules are for squares, Daddy-O. Besides, the record is not only a rightous contemporary tribute to John Lee Hooker, but it’s the first time—like, ever—we can recall a Jeff Lynne production sounding like there’s a human being on the record.

Ron Wood has a much-deserved two-disc retrospective coming in September. It will include tracks from his six solo albums, a couple of very cool songs from the Jeff Beck Group, the Faces and the Rolling Stones. However, most important, it will be the first time tracks from his first band the Birds will be readily available, as well as a few from Creation, who Wood was with for a short time. Most folks will be surprised to hear what a good guitar player he was in 1964.

Sandy West, founding member and drummer of the Runaways, has been hit with lung cancer and a brain tumor. Send messages of love and support to lettersforSandy@ yahoo.com. All of our love and prayers to West and her family and friends.

See you next week...

For more of this column, go to billboard.com.
Hanging With Big Daddy
Indie Distributor Keeps Fun At The Forefront

One of my favorite moments at this year’s NARM convention came when Big Daddy co-owner Burt Goldstein approached keynote speaker Chris Sacca. Google had a new business development, to tell him that his (Goldstein’s) shoes were a multicolor weave containing all of Google’s corporate colors. Goldstein tried to talk Sacca into buying 6,000 pairs of the shoes for all of Google’s employees. Had he closed the deal, I have no doubt that the Big Daddy distributor would have found some way to fulfill the order. Instead, Sacca looked at him like he was crazy—in other words, like he worked at Big Daddy.

Lost in the shuffle of the NARM convention, the Kénilworth, N. J., indie distributor had its own annual company conference one week earlier. About half of the company’s 40 labels (with a total of 60 imprints) attended the convention.

Goldstein declines to reveal Big Daddy’s annual revenue, which Billboard estimates between $1 million and $10 million, but he acknowledges that sales are down. Consequently, Big Daddy is becoming more aggressive in the digital world, where it already sells directly to the top 10 online stores, and uses the Independent Online Distribution Alliance to reach other digital accounts.

Goldstein, who co-owns Big Daddy with CFO Doug Ball, also hopes to take advantage of the “Long Tail” theory by adding more SKUs to its 3,500-tile catalog through signing more labels.

But just as important as the numbers, the Big Daddy staff—which includes national account manager Larry Germack and intelligence officer Ali G. Goldstein’s daughter—also makes sure to do business in an in-your-face, tongue-in-cheek way.

Case in point: its convention venue choice, the Mansion on O’Street, a Washington, D.C., bed and breakfast filled to the brim with, well, stuff. A cross between a thrift shop, antique store and rock ‘n’ roll museum, the hotel offers everything within its rooms for sale, including the drinking glasses in your bathroom.

The convention kicked off with a two-verse version of the national anthem, sung by Doug Alan, who records for AmeriMusic, a Rockville, Md.-based label.

Alan was followed by Dean Friedman, who in 1977 had a minor hit with the comedic pop ditty “Ariel.” His humor-laden set included “I Miss Monica,” an ode to intern (hear it at deanfriedman.cf.huffingtonpost.com).

This being the indie sector, Friedman also participated at the convention as a representative for Peekskill, N.Y.-based SafeSell, which did a presentation on how the company sets up digital download stores for labels and artists. In fact, SafeSell runs the bigdaddymusic.com site.

On the last night, Big Daddy presented its awards.

“We were supposed to put out this award at the convention,” recording artist and M press imprint owner Rachael Sage says. “It was just a silly, New York, campy thing: he was being playful.”

Northern Blues was Big Daddy’s overall label of the year, and if you want to find out who won the label of the year and what qualifications are required, e-mail me.

MEANWHILE, back at NARM, Big Daddy’s wacky behavior wasn’t so appreciated by the NARM staff. At the convention’s trade show, Big Daddy parlayed the ability to display its wares to the industry into an opportunity to raise awareness and money for a charity it supports.

Big Daddy tried to raise funds for the Light of Day Foundation—established by Bob Benjamin, who owns the Big Daddy-distributed Schoolhouse Records—by selling its display CDs for $4 each.

Big Daddy’s BURT GOLDSMITH opines during the company’s convention panel on whether there is room for physical product in a digital world. Seated behind him are SafeSell executive DEAN FRIEDMAN, left, and Amherst Records lawyer DAVID PARKER.

Benjamin, who suffers from Parkinson’s disease, has contributed more than $750,000 through fund-raising concerts and a Bruce Springsteen tribute album.

Yet, Big Daddy’s charity efforts were shut down twice by NARM’s staff.

“There were issues with what the hotel allows, with sales tax and with other vendors complaining about Big Daddy,” NARM executive VP John Lyons said. “If we knew about it beforehand, it is something we would have wanted to support by making an even bigger deal of it.”

Visit lightofday.org for details on making contributions to the foundation.
COPYRIGHT CRAPSHOOT

Rights To Older Works May Soon Revert To Artists, But Only Some Of Them, Some Of The Time—Maybe

The other day I pulled an old recording contract from storage, which was signed in 1979 by my former artist client. A production company, jointly owned by the artist and his manager, had assigned rights in the artist’s recordings to the label. A lawyer who represented both artist and manager at the time purportedly created the production company—and structured the record deal that way—for tax purposes.

Back then a right that didn’t begin until 35 years later—an author’s right to terminate a “grant” of a copyright interest—must have seemed a lifetime away and unnecessary to consider when making a deal. Yet structuring the deal through a production company may be the glitch that ultimately prevents my former client from terminating that transfer and getting back his recordings, many still marketable but sitting on a shelf somewhere. Only grants made by “authors” may be terminated; the production company is probably not an author under copyright law.

As Billboard recently reported, the first year in which copyrights of copyrighted works covered by the 1976 U.S. Copyright Act may begin terminating licenses and assignments to get their rights back is fast approaching. Ambiguity as to who may legally be an “author” of a sound recording is predicted to throw the recorded music industry into chaos (Billboard, Aug. 12), but that issue is just the tip of the iceberg. Customary industry practice, contract terms and the way records are made present mind-boggling complications.

WHICH LAW APPLIES? Until the recording is made, there is no copyright to be governed by the act. In most recording contracts, artists grant rights in future recordings. Termination provisions in the current law (sections 203 and 304) do not seem to cover grants made before 1978 for recordings made during or after 1978, the year the 1976 act went into effect.

“Even though I enter a contract in 2060, if the contract is still in existence and I make a record in 1978, I think the record is covered by the 1978 act, but it is not covered by the pre-existing law,” says Jay Cooper, chairman of Greenberg Traurig’s Los Angeles entertainment practice. But there is no clear answer.

WHICH RECORDINGS? Generally, the act governs recordings made in the United States. The right to terminate does not affect an entire recording contract; it only affects the grant of rights in the copyright. An author who wants to get back the copyrights in more than one album will have to terminate the grant for each recording during the applicable five-year time period—or forever lose the right to terminate.

The period begins 35 years after the work was “published” or 40 years after the document granting the rights was “executed,” whichever period begins earlier.

For example, an artist who signed a 1978 contract granting rights in records released in 1978, 1982 and 1988 must terminate during three different time periods. The first period is 2013-2018 (beginning 35 years after the 1978 release); the second is 2017-2022 (beginning 35 years after the 1982 release); the third is 2018-2023 (beginning 40 years after the 1978 contract because it begins earlier than 35 years after the 1988 release). If singles were released a year or more before the album, that recording could have a different time period.

Specific procedures, including at least two years’ advance written notice of termination and filing documents with the Copyright Office, must be followed.

WHICH CONTRACTS? Whether a termination will have a domino effect on other contracts is unclear.

In situations where an artist granted worldwide rights to a company, which granted rights in other territories to its subsidiary or other companies, some lawyers believe all rights are terminated.

“A company can only grant rights that they have, and those rights are subject to termination rights,” Cooper says.

U.S. Register of Copyright Marybeth Peters is not so sure.

“What you’re terminating is the rights in the U.S.,” she says. “If the rights go outside the U.S., it may not have any effect. I don’t know how a court would see that.”

If the argument that every contract is subject to an author’s original right to terminate is correct, then artists who granted rights to a production company—and producers who granted rights to artists rather than to labels directly—may still have a shot at getting rights back from labels. Perhaps terminating those initial grants would trigger termination of the subsequent grant of rights to labels. But labels will undoubtedly challenge this type of termination.

WHICH AUTHORS? The act permits a majority of the authors to terminate the grant. As a result, each individual sound recording will have to be examined to determine the authors. And presumptions on who each author may be can be thrown out the window.

For example, many industry veterans say that any label run by Arista Records founder and RCA Music Group Chairman/CEO Clive Davis may be a co-author since he is so hands-on creatively during recordings. But even his input varied by track.

Air Supply signed with Arista around 1980. “When Clive first came to the studio on the second album, he heard ‘The One That You Love,’ ” group co-founder Graham Russell says. “It was already finished, and the first thing he said was, ‘It will win you a Grammy and it will go to No. 1.’ That’s all he said. So for him, for all intents and purposes, everything was how he felt it should be.”

Although featured performers, producers and sometimes engineers may be authors, some background musicians may be as well.

“Take a band like Tom Petty & the Heartbreakers,” says Don Friedman, a partner with Grubman, Indursky & Shire in New York. “The Heartbreakers have always been viewed sort of as a creative unit. He’s worked with them continuously, and there’s a lot of continuity. Do you look to just the contract or do you look beyond that to determine the original contribution?”

Contracts certainly may come into play. Often background musicians and vocalists sign contracts with standard terms that were negotiated between unions (AFM and AFTRA) and record companies.

Under federal labor law, unions represent “employees.” Under the Copyright Act, a company that employs someone to create a copyrighted work may be the author of that work as a work made for hire. That type of author may not terminate grants under the act.

But even those who signed union contracts should not ignore possible rights, an industry source says. A court could decide that the musicians are “employees” under labor law but not necessarily “employees” under copyright law.

Background musicians who did not sign union contracts, but instead signed contracts assigning “any rights” they may have had in a copyright, will have a better chance of arguing that they were authors, Cooper says.

WHAT DO THEY GET? In the end, it is unclear what authors may get back. Terminating rights does not terminate or affect rights in physical property.

Copyrighted compositions or designs would not require the return of any physical property to their authors. But sound recordings are inextricably tied to physical property—the actual tape or digital media.

Will record companies have to return the master recordings without receiving some payment for the money they invested in making that property? What if the masters have been lost or misplaced? Must the authors somehow be compensated for that loss?

It seems that every time one question may find an answer, another question pops up. “It’s endless,” Cooper says. “You could write a whole book on this.”

With all these complexities to work out, 2013 doesn’t seem all that far away.
Nikki Hemming emerged into the spotlight after 2002 when the Sydney-based CEO of Sharman Networks acquired the controversial peer-to-peer (P2P) file-sharing software Kazaa Media Desktop. Within three years, the software was used to download an estimated 300 million files— including music, movie segments, software and computer games—both sanctioned and unsanctioned.


In the past two years, Sharman was at the center of high-profile copyright infringement court cases in California and Australia. These were settled in July 2006 after 12 months of discussions. Sharman paid the movie and music industries $110 million, installed filter software in Kazaa and is in negotiation for licenses with labels and studios.

The details of Sharman's ownership and structure remain protected by the laws of Vanuatu, the Pacific Islands tax haven where the company is registered. During the Kazaa court case, the Australian Record Industry Assn. insinuated that Sharman's real owner was Hemming's close associate, Kevin Burmeister, who runs Brilliant Digital Entertainment and commercial P2P content distribution network Altnet, which is utilized by Sharman. But it was never proved.

Hemming plays her cards close to her chest on future strategies, partly for commercially sensitive reasons, partly because Sharman's agreement with the music and movie industries has a no-criticism clause. But she believes Sharman's leadership in technology and the major labels' knowledge of marketing will create a No. 1 destination software with a one-click solution where consumers can find, choose, organize and play their content.

Despite Kazaa's position in the media spotlight, little is known about the 39-year-old, London-born Hemming. A former employee of Richard Branson's Virgin Interactive and one-time GM of theme park Segaworld in Sydney, she rarely grants interviews, preferring to challenge herself with shark diving and mountain climbing. She next plans to trek through Peru to Machu Picchu, commonly known as the Lost City of the Incas.

How soon do you anticipate before Sharman starts announcing its first licensing deals and in which territory?

Very soon, actually. It's our goal to secure licenses on a worldwide basis so we can take advantage of the fact there is a worldwide audience for us. We're determined to remain at the forefront and put out something that consumers are going to find very desirable.

What is your game plan for the Kazaa software?

The first thing is to be at [the] forefront of technology by creating it. To stay innovative. To watch the market for emerging trends. Most importantly, you have to be not afraid to experiment. We start from a good base in that we have a lot of advantages in creating a flourishing digital content destination and have taken our audience with us. We have an incredibly powerful brand and a lot of technical expertise. We have a unique understanding of this viral power that comes from peer-to-peer, and that's going to be a facet in a very successful future of selling content digitally. I'm very confident we're going to be leading the market in the future, cooperatively with the industry.

When Napster went legit, it lost users. What have you got in place to stop that happening to Kazaa?

That boils down to relying on our expertise in being an industry veteran in P2P and understanding the consumer market so that we deliver a product that hits the sweet spots of what they're expecting from a P2P application from which you can choose licensed content. We haven't been sitting on our hands while we've been negotiating a settlement. We've been preparing ourselves for our future, and we've geared up for a pretty strong entrance into the market.

You're going to negotiate with people who have had you followed, raided your house and office, and called you a gangster. Have you got a problem with that?

Business is not about individuals, and it'd be pretty foolish of me to take personally things that have happened in the past. In terms of negotiations, we've concluded the first big negotiation with them already. We've shaken hands and we've moved forward. Mutually agreeing to settle required a 50/50 round the table agreement to go forward together. There's no other way to get to that point, so all the indications that I've had are that we're not just willing to work together but we're excited about the prospect.

At the same time, the people you're negotiating with would have some legitimate suspicions about Sharman's setup. Do you agree you'll have to clear the air with your future partners?

The air is already cleared. We went out of our way to deal with any and all concerns on this subject. The [Australian] record industry's most senior lawyer [Richard Cobden] didn't have one question left on the subject. Anyone who says otherwise is simply making mischief.

What role will Kevin Burmeister and his two companies play in the "new" Kazaa?

We have a joint-venture agreement with Altnet Corp., which has been in place for a long period of time. We have technology that we are developing, he has technology that he is developing. Altnet are a great company to collaborate with, they're very innovative, and we're happy to work with them.

When Sharman first bought Kazaa, you envisaged use of a subscription model. Is that still a viable proposition?

There are various subscription models. I think you're referring to [IPU] [Intellectual Property Use Fee]. That's a model that certainly shouldn't be dismissed. What it does require is that all parties in the integration chain participate, and therefore it's a slightly longer term proposition. But [Sharman] is intending to participate in the market with more than one model to ensure we're capturing consumers' demands across the board.

Why have consumers not embraced subscription models? The [IPU] model was before its time, and there were not enough players involved in the model in order to deliver seamlessly. So when a consumer is purchasing they don't see the back end, they just get the experience they are looking for. Partially there are technical boundaries, and partly there's not been enough innovation in this subscription model at the moment.

Sharman was originally set up to invest in Internet opportunities, in which areas can money be made? Our primary investment in the Internet is Kazaa. I'm going to take a hard-line corporate position and say that if I've identified some sweet spots [elsewhere], they're not something I want to publicize. I'd rather capitalize on them and then talk about them.

When was the last time you paid for a CD or to see a movie?

I went to see "The Sentinel." It wasn't as good as "In the Line of Fire." I don't recall the last CD I bought, it was this year. I'm dated by my music collection, which is '80s-centric. The last CD I heard was Annie Lennox's "Diva."
He boasts an ace team of producers on his new album, but JOHN LEGEND still marches to the beat of his own soulful drum.

By Tamara Conniff and Hillary Crosley
Photograph by Danny Clinch
No one recognizes R&B singer/songwriter John Legend when he walks around his neighborhood in New York’s East Village. He strolls down St. Mark’s Place on a recent late summer day, passing vendors selling punk rock T-shirts and body jewelry, and though he seems intent on noticing every bit of the city’s energy—the graffiti, the facial expressions of people who pass by, the newspaper headlines—no one stops and notices him.

It’s a little surprising, considering how many people took note of his debut album. “Get Lifted” has sold more than 1.7 million copies in the United States and more than 3 million worldwide, largely on the strength of “Ordinary People,” the stripped-down, poignant piano ballad that sounded like nothing else on radio when it climbed to be a top five hit on Billboard’s Hot R&B/Hip-Hop Songs chart in April of last year, a few months after the album was released. The album won three 2005 Grammy Awards. And now Legend and his label, Sony Urban are preparing to release “Once Again,” his sophomore effort, Oct. 24.

Spend a little time with Legend (born John Stephens) and you’ll get the distinct sense that the trappings of pop stardom—awards, fan recognition and radio success—take a distinct back seat to his passion for music. His three Grammys are perched on top of an upright piano in his apartment, including one for best new artist. They are perfectly placed and shiny and hover above him as he plays the instrument. But he pays the accolades no mind.

“I didn’t go into the new album thinking about the Grammys I had won,” Legend says. “It’s one of the greatest challenges of writing music—for it to not sound like what you think it’s supposed to sound like or sound like the last album.”

This time around, Legend assembled an A-list crew of producers to work on “Once Again,” including Raphael Saadiq, Black Eyed Pea Will.i.am and Kanye West.

The first collaborator Legend brought into the studio was Will.i.am, who had also produced tracks on “Get Lifted.” The duo wrote seven songs in five days including “Save Room.”

The mind state we kept while working on this album was one of hunger, humility and fear,” Will.i.am says. “Since John and I first met, both of us have sold a lot of albums and won a bunch of Grammys. But we didn’t think about that.”

Saadiq adds that the pressures of recording a follow-up to a Grammy-winning album can be extraordinary. “You always put the pressure on yourself. That’s how bad [songs] happen.”

Will.i.am and Saadiq agree that Legend marches to the beat of his own drum.

“He never does the obvious, like make a sexy video,” Will.i.am says. “I love working with John because he’s a real musician. He understands melody. It’s not just hip-hop beats all day.”

Saadiq says, “John’s a true artist. In today’s world it’s not hard to get out good music even though people always say it. You just have to stick to your guns and do what you love.”

Legend spent about six months working on “Once Again,” during which time he amassed 30 songs.

“It was one of the most productive periods of my life. I was focused only on music. For the first time I didn’t have to worry about school or a job.”

How did he choose the final tracks? “You want to choose songs that balance each other out. I never include any songs I’d skip in a listening session. These are songs I need people to hear because they are good and I’m proud of them. It represents me. It’s not an album of show-off records.”

Though many of his new songs are about the emotional angles of love—from bliss to the pain of a cheating partner, “Once Again” also houses a few social gems reminiscent of Stevie Wonder and Marvin Gaye, particularly the song “Show Me.”

“It’s a spiritual love song,” Legend says. “You could be talking to God or your loved one in bed at night. It asks real questions about what’s happening in the world today—about wars and people dying and why God takes some and not others.”

Saadiq says that Legend always has his eyes open. “Something will catch his attention and he’ll start humming and writing to it.”

Legend adds, “When I write, the music and the melody come first, then the lyrics. The music tells you what the song is about. My songs aren’t autobiographical, the melody leads me to the story.”

For Legend, however, good music does not mean perfect perfection. He strives to never overproduce or sanitize his tracks. “If there are imperfections in my voice, I leave them in. It’s not supposed to be perfect. It’s supposed to be real.”

Of course, in a radio climate currently embracing perfect, stripped-down reality—no matter how beastious the soundtrack—can be a hard sell.

The first single from the album, “Save Room,” produced by Legend and Will.i.am, hits radio this month.

“It’s hard to tell where “Save Room” fits, if at all,” says adult R&B consultant Tony Gray, president of Gray Communications. “I don’t know anybody in programming that’s excited about that song. Unfortunately, it doesn’t sound like contemporary music on R&B/hip-hop stations.”

Radio’s relishing youthful, lightweight R&B these days and artists like Cassie, Chris Brown and Ne-Yo are ruling the charts. The quandary of Legend’s new single has been the talk of urban radio for the last month, as no one seems to know what to do with it.

Gray says that “Ordinary People” was an obvious hit, where “Save Room” is confusing. Tiffany Green, A/PD at WGGC in Chicago—“one of the first programmers to embrace “Ordinary People”—agrees that “Save Room” will be hard to fit into her playlist, suggesting it may get better play at adult contemporary radio.

“I love it personally,” Green says, “for my car.”

Of course, Legend wasn’t an obvious hit at radio his first time around. He got used to “Loveball,” the first single from “Get Lifted” peaked at No. 32 on the Hot R&B/Hip-Hop Songs chart.

Green says she saw Legend perform “Ordinary People” in Chicago, “I begged him to let me play it but he said, ‘We can’t lead with a ballad.’ And thankfully Sony’s sampler just happened to have the full-length version of ‘Ordinary People’ and we put that bud boy into rotation. Our listeners called it the ‘take it slow’ song and luckily Kanye directed a great video to bring it home.”

“Ordinary People” came on the heels of a neo-soul bubble and Alicia Keys’ success. This time, Green and Gray agree that R&B isn’t going in the direction that Legend’s “Save Room” is trying to take it.

As for Legend, he sounds a bit nonplussed about the radio issue. “I’ve heard ‘Ordinary People’ was special,” he says. “It showed me that if you make something authentic, people will like it. I try to challenge what people think is right, instead of following . . . I don’t think radio sells albums anymore. And you never know what they are going to play.

Retailers sound more open to Legend’s latest effort. “From the songs I’ve heard, his sound has definitely evolved,” says Carlos Adams, product manager for Virgin Megastore. “In the long term, I think [his sound is] going to help him as an artist—I can defi nitely tell he’s been working on his songwriting, I think first-week sales will probably surpass what he did on ‘Get Lifted.’”

Mike Fratt, president of Homer’s Records in Omaha, Neb., notes that “Once Again” could have a slow build, but a long shelf life. “I think more and more consumers want to get a feel for a record,” he says.

Regardless, Sony Urban’s marketing strategy is centered more on visibility than radio. Verizon Wireless and iTunes have signed on for exclusive campaigns to launch the album. The Verizon deal includes a massive TV and print campaign, which will launch this month. Sony Urban is also going after nontraditional retail—the album will be sold at Starbucks and JCPenny, and Target plans to do a special holiday push.

“This is a multiphase campaign,” Sony Urban president Lisa Ellis says. “People in an album artist’s age has both young and older fans. We are going to radio, but we’re also going everywhere else. He has universal appeal because he writes songs that are simple and deep that anyone can feel. It doesn’t matter if you’re young or old, black, white or green. John will have a permanent career.”

Legend says his focus right now is getting “Once Again” heard by as many people as possible. He says he can’t wait to get on tour to start a whole new chapter. “He’s cautious with his words, because he doesn’t want to come off as arrogant. He’s just excited about the possibilities in front of him. “I really feel like I’m at the top of my game, doing what I want to do.”

Additional reporting by David Greenwald.

Birth Of A Legend

John Legend worked with countless too arts in the years leading up to his debut album, including Janet Jackson, Tallib Kweli, Twista, Jay-Z, Alicia Keys, Slum Village, Dilated Peoples and the Black Eyed Peas. But it is his collaboration with producer rapper Kanye West that Legend’s success is most associated with.

Legend grew up in Ohio. In a musical family. Considered a prodigy, he began playing gospel and playing piano at the age of 5. While still in his teens, he was tapped to play piano on Laura Hill’s “Everything Is Everything” for her platinum Grammy-winning album “The Mis-

Legend met West through his college roommate, who happened to be West’s cousin. The duo hit it off and started working together on a number of projects.

West signed Legend to his label GOOD Music (Getting Out Our Dreams) in 2003. It was then that he officially took on Legend as his last name.

West and Legend opened a demo of “Get Lifted” to many major labels. All passed. They shipped it again, and the second time around, Columbia/SONY Urban picked it up.

Because “Get Lifted” was released on the heels of West’s massive 2004 debut album “The College Dropout,” Legend was branded West’s protégé.

Legend attributes his success at the time to the fact that “I guess the media needed a way to explain who I was. We were lucky that Kanye had broken because it opened up those doors. It’s funny, though, because Kanye and I started at the same time. It was never a student and teacher relationship. We were always collaborators.”

West has been one of the most vocal supporters of Legend. “He is one of the most generous people I know,” West says. “He is one of the most vocal supporters of Legend. “He is one of the most generous people I know,” West says. —TV
Music publishing is the most misunderstood business in the music industry. Since thousands of publishers focus primarily on licensing rights in songs and collecting royalties for themselves and songwriters, they are often thought to be little more than a place where a songwriter can get a check—an advance on future royalties. Many publishers are a home for artists who need to develop their songwriting and performing skills before they can land a major record deal. The major publishers in particular are looking near and far for the next Coldplay or James Blunt, who were both nurtured by publishers when record companies initially turned them away.

For the aspiring songwriter/artist, it can happen at any moment, anywhere. A teenager records songs with friends in a garage and puts them on a Web site. A folk singer performs in a grungy nightclub and sells CDs to the audience. Someone from a publishing company is moved by the song, the sound or the performer. They make a deal, and the development begins.

"When we get involved with some key developing artists, then even if we're spending money trying to develop them, it's still, in terms of the advance, a much smarter way to do business as long as you're balancing it with top-line music," says Danny Strick, president of Sony/ATV Music U.S. "As a major, we have to constantly go after what we think are the high-end acts—the next act that's going to break, that's already signed to a label and has an imminent release... It's usually a bidding situation, none are very expensive."

By signing these acts early in their career, "we have a very unique creative input into the formative beginnings of our songwriter/artists," says Guy Moot, EMI Music Publishing U.K. managing director. "Whether it's our creative input, our studios or possibly teaming them up with management, we start laying the seeds with the record companies to inform them of an act."

Major publishers report that they are finding talent everywhere. They go to live gigs where artists are attracting crowds. They read tabloid newspapers and obscure Web sites. They talk with DJs and get tips from the media.

"The most important thing (for songwriters) is that you can get noticed because the tools are there to get noticed like they never were before," Moot says.

But how do publishers actually develop the songwriter/artist? To answer this question, Billboard picked a favorite emerging act from each major publisher to portray their development process.»
David Gilbert, a consultant working for Sony/ATV Music Publishing, discovered Elyssa James last fall on MySpace.com. Gilbert called Sony/ATV U.S. president Danny Strick on a weekend, telling him about an "amazing voice." Although she just turned 17 years old, James displays a full, gutsy quality on her vocals and her soulful pop songs.

James says she was still looking for voice and piano lessons in Rochester, N.Y., a couple of years ago when she and some friends began writing together, recording the songs in a garage and putting them on MySpace "just for fun." About six weeks later, James was discovered.

"She had a lyric sensibility and was already developing her own point of view," Strick says. "There was just something about her that seemed very special."

Once the development deal was signed, the publisher began bringing James to New York on weekends and holidays to work with songwriter/producers.

"The goal is, as she is growing up, to hone in on a sound that she can own in a sense," Strick says, "for her to be a meaningful artist expressing her artistry in her lyrics and melodies. The voice just takes it to a higher level."

Sony/ATV is "casting a wide net" to team James with a variety of songwriter/producers, Strick says. She has already worked with teams in New York and Los Angeles, including KNS, Mike Mangini and Stargate.

"Every session I learn something new," James says. "I'm getting more in touch with how songs are written." James says that she is especially impressed that a powerful publishing company actually listens to her thoughts and ideas.

James is off to Sweden the end of August to work with Macho Psycho, a songwriting/production team that saw her on MySpace before Sony/ATV signed her. By sending her there, it expands her horizons on every level," Strick says. "Not only musically, but just by being in Europe and experiencing the world a little more." Sony/ATV didn't disclose terms, but often, these sorts of early expenses are recoupable.

Finding James a record deal is not the first part of the strategic plan. An unknown artist with a record puts a marketing department in a position where it must sell the music to the public, essentially chasing people, Strick explains.

Instead, Sony/ATV will be pitching James for film, TV, game and advertising opportunities. In this way, people can discover her.

"We would rather have people coming to us and asking who she is," Strick says.

The members of Dukes of Windsor were not looking for money when they signed with Universal Music Publishing Group in Australia. They wanted the relationship.

"We wanted their expert advice, contacts and support to help put Dukes of Windsor on the map," vocalist Jack Weaving says. "Given the current interest in the band and the exciting opportunities that UMPG have created for us, this is exactly what they are doing."

Melbourne-based Cory Blight, Scott Targett and Weaving had an existing relationship with the publisher before forming the band, which UMPG Australia's Heath Johns, head of A&R/creative, describes as a "head-on collision" among rock bands At the Drive In, Devo and the Police. When the guys decided to form Dukes of Windsor, they signed a development deal with the publisher.

Oscar Dawson and Joe Franklin also signed with the publisher as they joined the band. During the initial development phase, the publisher offered "creative mentoring" during the demo process, Johns says.

UMPG then found a number of opportunities for the group on prime-time TV and commercials in Australia, including that country's version of the TV show "Big Brother."

"These spots not only provided invaluable exposure for the band in an already saturated market, but also proved a handy source of income when it came time to finance touring and recording ventures," Johns says.

After continuing to build a fan base playing live gigs in Melbourne, the group landed a landmark partnership with the MP3 player manufacturer iRiver this year. The band will front an Australia-wide advertising campaign, which begins this fall.

"iRiver needed an iconic band to promote its products," says Bob Aird, UMPG Australia managing director. "They are an unknown band. It is a good way to expose them via new technology and, for iRiver, they are the type of band and music that they wanted as a partner."

As part of that deal, iRiver provided a non-recoupable budget for the band to record its debut album, "The Others," with U.S. producer Jonathan Burnside and Swedish hardcore mixing engineers Pelle Henricsson and Eskil Lövström.

The self-released album is expected to be available online and in Australian retail stores in September.
A pivotal point for folk artist and Arkansas native Joe Purdy was performing at the South by Southwest festival two years ago in Austin. Greg Sowders, senior VP of A&R with Warner/Chappell Music, made the show.

"I was completely charmed by his personality, and I fell in love with his songs," Sowders says.

The following week the two had lunch. Sowders asked Purdy, 25, what he wanted in his dream world.

"I want to create a position for myself where as many people can hear my music as possible," Purdy says to Sowders. "But I want that only to exist under the terms where I can retain all my creative control and never have anybody really having their hands in that cookie jar.

That kind of artist control is not something most major publishers or labels are willing to accept. But Warner/Chappell made the deal, and Purdy says he is happy with the relationship.

First, Warner/Chappell gave Purdy some financial support. "We were able to settle on a number that was going to help him immediately, to put him on the road," Sowders says. "He needed to gain more experience as a performer."

Purdy became a regular at the club Hotel Cafe, a home for aspiring singers/songwriters.

"They support people who are important," Purdy says. "Their support isn't just financial assistance. They come to your shows. They help you book. They think about your career in the long-term."

This past summer Purdy recorded an album, in which Warner/Chappell shares in the revenue stream. Purdy's attorney Steve Butler says the album, "Four Seasons," was released in July through Reincarnate, a label owned by Purdy's agent Marc Geiger.

Purdy's past and current albums are also available through CD Baby, which made deals with online services. His digital sales now total more than 60,000 downloads worldwide, Butler says.

Meanwhile, the song "Wash Away" was in the first "Lost" TV soundtrack. The album "First Time" included original music other than a song by Lou Reed, "So it has been a big year for his songs."

Purdy says, "Slowly but not to the point where it isn't what I had hoped for, but the songs are getting bought and heard."
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Tego Time
Reggaeton's Resident 'Deep Thinker' On His Sophomore Album, Speaking Spanish And Finding His Soul In Sierra Leone

Tego Calderón has dropped the bling.
A few weeks ago, after much soul searching, the Puerto Rican rapper took off his trademark chains, rings, diamonds and anything remotely ostentatious and continued about the business of making music as he has always done: quietly and with little fanfare.

Indeed, the change in accoutrements suits Calderón well. The rapper has cultivated an image as the deep thinker and top lyricist of the reggaeton movement, a notion supported by his recent trip to Sierra Leone to film a documentary on the diamond mining business. Calderón returned a changed man, acutely aware of hardship and more determined than ever to lose that bling.

The marketability of that image will be truly measured with the Aug. 29 release of "El Subestimado/The Underdog." The album, arriving on Calderón's own jiggery label via a production and distribution deal with Atlantic, pairs his music with a marketing and promotional infrastructure far greater than has supported his music before.

But Calderón did not deliver exactly what Atlantic bargained for. "El Subestimado" is rich in rhythmic variety, ranging from straightforward reggaeton, salsa and Puerto Rican bomba to blues, reggae and funk. It is lyrically enticing and very rarely banal.

And, save for an occasional chorus, it is entirely in Spanish.

"I have a hook in one song where I explain my position with the crossover," says Calderón, who is focused on Latin sounds. "I say, 'No, no, don't mess with the 800 no, you might not understand, but it's hot.' We purposefully had little English. Even though we had pressure from Atlantic to include Anglo artists, it wasn't what I wanted to bring, and they respected that."

Calderón's lone prior studio album, 2003's "El Abyardade," has sold a modest 132,000 copies in the United States, according to Nielsen SoundScan. (A compilation, "Los Extensores Del Guasibiri," has shifted 105,000.) Given the language challenge, Atlantic is initially working "El Subestimado" to Calderón's core Latin audience at Spanish-language radio via the single "Los Maté." The track is No. 46 on Billboard's Hot Latin Songs chart this issue. In the coming months, the label will work "Chillin'" and "Slo Mo," two songs that have some English content, to rhythmic and rap radio.

"It's all about starting with the core first and making sure—and this is critically important to Tego—that his core fan base and his core audience know he didn't change his musical philosophy because he linked up to Atlantic," says label chairman/CEO Craig Kallman, who signed Calderón. "For him, it was about staying true musically to what he believes in. And for us, it's about empowering him to do what he was musically inspired to do."

For Calderón, that meant bridging his time between albums, to sidestep some of the hype surrounding reggaeton as a potential next big thing. "I didn't want to be the poster boy for this music," says the artist, who explained the album track by track during a recent evening in a Miami hotel room

Instead of concentrating on creating an album of reggaeton hits, Calderón did some soul searching. He poured his heart out on "El Subestimado," including a track titled "O Dios" (O God), a word play on "odio" (hate) about father's right to see their children, directly based on his own experiences with the mother of his oldest daughter. Another track talks about his deceased father. "Llorarás," the Oscar D'Leon salsa classic, features D'Leon himself. Even "Los Maté," an uptempo reggaeton track, deals with the struggle of rich against poor.

"It was a way to fulfill reggaeton and lyricism—a kind of bridge between the two," Calderón says of his approach to the album.

The artist keeps close ties with many reggaeton acts and producers, including Don Omar (featured on "Chillin'"), Eddy Dee, Voltio and protegé Glyso Nyro. He says he is acutely aware of the lyrical and musical constraints of the genre, but also appreciates its advantages.

"The reggaeton beat is what makes people dance. And the dancing is an essential element. Even Anglos don't understand what we're saying, and they dance it," he says.

But for those who do understand, Calderón wants to make a difference, revealing in his Latin roots and shedding light on the plight of black Latins. "I'm done with denouncing and attacking," Calderón says. "What I want to do is educate. You are my fans, I want you to understand my people. Understand our pain."
Montreal native Tiga first got noticed in 2003 via an esoteric cover of Carey Hart’s “Sunglasses at Night.” It immediately found favor with the downtown electro-revivalist set, who Tiga says still make up the core of his fans in America. Countless remixes in the bloodless, minimalist vein followed as did another cheeky redo of Nelly’s “Hot in Herre.”

“Sexor” (Turbo/Last Gang), Tiga’s debut artist album, includes suitably sparse, surprisingly melodic electro-pop ditties, and more covers. He takes on Talking Heads’ “Burning Down the House,” Nine Inch Nails’ “Down in It” and Public Enemy’s “Loudener Than a Bomb.”

A dubious selection, but not if you lived your formative years in the 90’s as Tiga did. “I know every word of the Public Enemy,” he says. “And I listened to [Nine Inch Nails album] ‘Pretty Hate Machine’ so much and so many times . . . I used to be a lot more miserable.”

While Tiga admits covers are not “great masterworks,” he argues that they do have a cultural resonance, the same sort of post-postmodern nihilism that characterized the latest electro movement. Tiga sees covers more as tributes and musical experiments. “What makes any good cover is amazing songwriting to begin with, but realized in a very particular way, almost a more popular way,” he says. “I thought how [Trent Reznor] did the original ‘Down in It’ left room for a different interpretation. It was so fast, I thought it was a bit goofy.” Tiga’s version, therefore, is slow and deliberative, rather than driving and unheing.

L U T H E R S T I L L S H I N E S : J Records is showing love to Luther Vandross’ dance fans. The little track off the label’s re-release, “Shine,” the Ultimate Luther Vandross,” got the premier remix treatment from neodisco outfits Freemasons. The U.K. production duo is best-known for last year’s massive “Love on My Mind,” a Jackie Moore/Tina Turner mash-up, resung by newcomer Amanda Wilson for the sake of legality. It hit No. 2 on Billboard’s Dance Airplay chart.

Their “Shine” mix, which merges Vandross’ inimitable smoothness with a buoyant disco pulse, will be serviced to dance music radio this week. The original version has been steadily climbing a bunch of other charts since early July. But best of all, the first 50,000 copies of the best-of will include a bonus CD of rare remixes, like Frankie Knuckles’ “Power of Love” and David Marness’ “Can Heaven Wait.”

S U M M E R P I C K : Who would be crazy enough to resurrect a repressed musical memory like Eddie Murphy’s 1985 hit/’punch line “Party All the Time” and revamp it with a simple, loopy remix? Believe it or not, it’s Sharam—half of Grammy Award-winning, usually serious-minded production/DJ duo Deep Dish—and the idea turned out to be more smart than nuts. “PATT,” as Sharam renamed his version, is hitting the nostalgia button hard and generating giant dancefloor reactions in clubs across the country. Last year’s Deep Dish hit “Flashdance” befeemed another ‘80s standard, Shandii’s “He’s a Dream” (which originally appeared on the “Flashdance” soundtrack, natch), with similar effect.

O n July 9, when France’s national soccer team lost the 2006 FIFA World Cup final, the dismissal of star player Zinédine Zidane for head butting an Italian defender drew more global headlines than the result itself.

Zidane’s domestic popularity remains undimmed, however, and on Aug. 2 a tongue-in-cheek single about the incident topped the IFOP/Tite Live chart. La Plage’s toca-styled “Coup de Boule”—French for “head butt”—parodies “Zidane Y Va Marquer” (“Universal”) by TV personality Cauet, which lauds the French team captain. Ironically, La Plage knocked Cauet’s track off the No. 1 spot.

“Coup de Boule” was written and recorded July 10 by brothers Sébastien and Emmanuel Lipszyc—co-founders of Paris-based TV/music/jingles production and publishing company La Plage—and songwriter Franck Lascombès, who circulated it as an online joke to industry friends. Within hours the track was being aired on national radio.

Warner Music France swiftly licensed “Coup de Boule” and rush-released it on the Up version imprints. Warner CEO Thierry Chassagne says domestic shipments have passed 112,000 copies, with ringones and downloads adding 65,000 sales. “This is the magic of the ‘culture of instantaneousness,” Chassagne says. “The Internet has been a real promotion tool.”

“Coup de Boule” is available through Warner in 20 countries. Chassagne says that Italian-, Spanish- and Japanese-language versions are imminent.

A arielle Pachter

K I L L C I T Y : It’s not unusual for a British band to sign to a label outside the United Kingdom, but it is rare to find one signed to a French company, given France’s fondness for its own artists and language.

Enter English alternative rock trio Kill the Young. The band, consisting of the three Gorman brothers, signed a recording/publishing deal with Paris-based Discograph after a label exec saw the band perform last year in Manchester.

Discograph released the band’s English-language, self-titled debut in France in October 2005 and says it has shipped 18,000 copies to date, plus 7,000 sold outside France. The album is also out in Belgium, the Netherlands, Luxembourg, Italy and Switzerland.

Discograph says a German distribution deal is forthcoming, although no U.K. or U.S. deals are yet in place.

Kill the Young recently completed a string of French dates including an Aug. 3 show for an audience of 2,000 at the Port Grimaud Prairie de la Mer campsite, close to St-Tropez. The site annually organizes free shows under the “Plage du Rock” banner between June and August. Kill the Young “delivered a brilliant set,” promoter David Lufman says, noting that the act drew fans from both on- and off-site.

After summer festivals in Germany, Portugal and Switzerland, the band tours France again this September, with shows in Scandinavia and Russia following. Bookings are through P. Box (France) and Sensible Events (international).

—Gary Smith
New Blood
Barba, Mach & Daddy Take Slow Road To U.S. Success

In the past few months, two new names have appeared seemingly out of nowhere to enter Billboard's Top Latin Albums chart.

In May, it was Mariano Barba, whose album "Aliado del Tiempo" (Panama Music/Universal) entered at No. 48. Its title track, "8loamente," has remained at No. 8. In June, the greatest gainer was currently and seemingly out of nowhere "Mach & Daddy," whose "Desde Aboja" (Panama Music/Universal) entered at No. 48. This month, it's Mach & Daddy, whose "Desde Aboja" (Panama Music/Universal) entered at No. 71 and has climbed steadily to its current position at No. 39. Barba's album is simply "the greatest winner for two straight weeks."

So who are these guys?

Barba is a young, hunky purveyor of romantic banda. "Aliado del Tiempo" is currently Barba's third release but the singer/songwriter had previously flown under the radar for those outside the regional Mexican realm as his product had not been submitted to Nielsen SoundScan.

In early spring, Ritmo Latino head buyer Alberto Uribe gave me a heads up on Barba, who was already No. 8 on the Ritmo sales chart yet still absent from the Billboard lists. The push came from radio acceptance with the title track climbing to No. 6 on Hot Latin Songs and to No. 1 on the regional Mexican airplay chart, where it remained for six consecutive weeks in June.

What's surprising about Barba's success is that all the work was done by his small, family-owned label based in Guadalajara, Mexico, but with offices in Bel Gardens, Calif. The self-distributed label got Barba into all the mass merchant accounts and hired independent promoters to work radio, where strong word-of-mouth from Mexico helped acceptance. Three Sound president Martha Fraile says Barba "is an innate artist. He writes his songs, arranges, he does everything, and that has an impact with the audience."

Mach & Daddy are a different story. The sibling duo from Panama (real names Pedro "Mach" and Martin "Daddy" Machore) are sons of Panamanian singer/composer Armando Machore of the band Calipso Panama. "Desde Aboja" was released last year on indie Panama Music, which is owned by Januario Crespo and is also home to acts La Factoria and Baby Ranks. Lead single "La Botella," a catchy, danceable ditty—part reggaeton, part soca—about drowning romantic misery with drink, was an immediate smash, soaring to No. 1 on radio charts in Panama and other Central American countries.

Universal, which had a licensing deal in place with Panama Music, released "Desde Aboja" in November 2005 in the United States. But, despite enthusiasm from Universal execs, the track didn't receive a radio push and went nowhere. Same with the album.

In the spring, Crespo hired independent radio promoter Weinstein Mengual and indie publicist Mayna Nevarez to work the project stateside and in Puerto Rico, a market that conventional wisdom said would not be receptive to Panamanian reggaeton.

But "La Botella" began to climb the charts there and is now in the top 10 of the Hot Latin Songs chart with spins at pop, tropical and rhythmic formats. "La Botella" was also pushed in dance clubs, propelling sales in markets where it received little airplay, like Miami.

Universal has also stepped up and is firmly pushing the album at retail with pricing and positioning.

"I was a bit worried," Crespo admits about his late-blooming duo. "But I was also certain it had to work because it had been so big everywhere else."

"Latin Grammy winner Obie Bermudez returns with his much anticipated album, "Lo que traigo el Barco," in stores 8-29-2006"

Latin Notas
LEILA COBO icco@billboard.com
Mission To Mars Blasts Off Again

'The Kill' Gives A Second Life To Band Featuring Actor Jared Leto

LOS ANGELES—With Jared Leto as its frontman, it was easy to dismiss 30 Seconds to Mars as just another actor's vanity project. That was until a new single, a new video and a new confidence in the band's legiti-
macy resurrected its sophomore album, "A Beautiful Lie."

"A Beautiful Lie" had mild success after its release in August 2005, but following the lukewarm response at rock radio to first single "Attack," the album faded quickly.

With a regime change at the band's label, Virgin, 30 Seconds' moderate achievement pushed the act in a seemingly precarious situation. However, as Virgin COO/GM Lee Tk says, the label saw tremendous unrealized potential in the group that came to the label through a deal with Immortal.

It was a matter of pure belief in the band. We felt there was a way to resurrect the album and break this artist, and we set out on a quest to do it," Trink says.

For the epic mission, Virgin called upon the Echelon, the dedicated 30 Seconds to Mars fan base that had established an Internet community ready and willing to spread the word about its favorite band.

"When you have this army that can move mountains, the idea is to get them all pushing on the same door," Trink says. Ironically, it was "The Kill (Bury Me)," the second single heavily plugged through the Echelon, that raised the album from the dead.

At a sterilizer alternative rock station WNNX (99X), Atlanta, the single garnered a tremendous response, which the station's PD Leslie Fram says encouraged other markets to take the band seriously. It's No. 4 on Billboard's Modern Rock chart this issue.

"It started really breaking out and doing well in some markets, so other markets caught on and realized this is not going away [so] maybe we should really listen to it and recognize that it's the real deal," Fram says.

The band's self-titled debut, which has sold 121,000 copies, according to Nielsen SoundScan, seemed to be tainted by the stigma of having an actor in the band, but with its commitment to touring, dedicated fan base and obvious talent, the act began to be recognized beyond Leto's acting career. With sales of 244,000, "A Beautiful Lie" has already sold double that of the 2001 debut.

"I was very aware that I was walking a landscape littered with the bocies of fallen failures of people who have tried to work in it's place and really didn't have it at all," Leto says. "But it all clicked with "The Kill," which was bolstered by a video redolent of "The Shining," that is in high rotation on MTV.

Trink calls the video, released in May, "a lightning rod" to the album's resurrection.

At Amoeba Records in Los Angeles there was a complete dry spell in sales until May. Now the store sells 20 copies a month. "It bumped up in May around June... one video on MTV could bring in, easily, 20 people," sales associate Jamie Lopez says.

Almost one year following its initial release, the album is starting to see the success and recognition that the band and Virgin had hoped for since the beginning. After initially falling off the Billboard 200, the album re-entered the chart several weeks ago and is No. 48 this issue.

"It's basically like it's coming on this August," Leto says. "When people get re-recognized it's like a whole new love affair."

During eight months of non-stop touring, opening for such acts as Audioslave and appearing on the Warped tour and at Lollapalooza, Leto says the band could feel the tide turn—and he welcomes all.

"It takes a lot to believe in a world of nonbelievers and to be in a position to break through stereotypes, to be able to walk in a place where people said was not possible," Leto says. "In our way, we've gone to the moon and all the nonbelievers are welcome to join us."

30 SECONDS TO MARS frontman JARED LETO onstage at this year's Lollapalooza in Chicago. INSET: A still from the band's breakthrough video, a montage to horror flick "The Shining."
Barber’s Latest Metamorphosis
Singer Gives Jazz Spin To Classic Tales With ‘Mythologies’

Inspired by playwright Mary Zimmerman’s adaptation of Ovid’s classic book of myths, “Metamorphoses,” pianist/vocalist Patricia Barber imagined what she might be able to do in the jazz realm. She was so intrigued by the possibility that she read the book, despite learning that she’d be in for a long, boring ride.

She was wrong. “Ovid’s telling of the myths was funny and smart and his characters brilliantly conceived, yet skeletal, drawn,” says the Chicago-based artist, who has several hip albums to her credit. “It occurred to me that the characters would be fabulous to re-create in a song cycle, which I’ve always admired in classical music.”

However, the chance of it coming to fruition was slim because Barber figured the subject matter was too “rarified.” Rather than throw in the towel, she took an even bigger gamble: She applied for a Guggenheim fellowship to work on the project, even though the award had never been granted to a songwriter before.

In 2003, Barber scored the prize and set out to work on the 11-song cycle. It was released as “Mythologies” Aug. 15 on Blue Note. The album is compelling and, at stretches, a controversial collection that transports the characters of the Greco-Roman myths and legends to contemporary life.

During the course of her creation, Barber studied Ovid as well as other writers and composers. So, for example, the reflective “Morpheus” is based on Alfred Lord Tennyson’s eight-syllable per-line poetic form as well as Franz Schubert’s use of harmony. The soulful “Persephone,” she says, is “pure fun, mischief and George Michael.”

The edgy, rock-tinged “White World,” a powerful castigation of today’s obsession with celebrity worship and myopic consumerism, finds its wellspring in the story of Oedipus. “He kills his father and mother,” Barber says. “What else can you say? Of course, I’ve been called unpatriotic for that song. This is my free speech song under this administration.”

Likewise, the shape-shifting “Phaethon,” with its gospel choir and hip-hop groove (with raps listing endangered species rendered by three members of the Chicago Children’s Choir), boldy warns, as Barber sings, of divine fire in the hands of mortal man. She says, “All I had to do was follow the storyline of Phaethon driving his father’s chariot or sun, crushing it and creating a fire so hot that the earth cries out. It’s telling how closely that story reflects our political situation today.”

One of the lyrical gems of the CD is “Narcissus.” Barber laughs at that. “I thought I’d be writing a smart, funny song, but it turned out to be a love song, a pure love song.” Twisted, true, but beautiful nonetheless.

Barber unveils “Mythologies” Sept. 1-3 in New York at the Jazz Standard.

THREE DOT LOUNGE: In other Blue Note news, the label has started to license ringtone riffs from its classic catalog by such artists as Thelonious Monk, Chet Baker, Herbie Hancock and Miles Davis. There’s a full raft of jazz CDs stretching Sept. 12, but by far the most noteworthy launch is free-spirited pianist Satoko Fujii’s unprecedented delivery of four orchestral CDs: “Undulation” (on NatSat) with Orchestra New York; “Live!” (Libra) with Orchestra Tokyo; “Maru” (Bakamo) with Orchestra Nagoya; and “Nobe Yee” (Crab Apple) with Orchestra Kobe...

This year’s Thelonious Monk International Jazz Piano Competition and 20th Anniversary Gala Concert will be held Sept. 17 at the Kennedy Center in Washington, D.C.
Rhythm & Blues
GAIL MITCHELL gmitchell@billboard.com

Living On A Prayer
Former DreamWorks GM Turns Creative Eye To Church

African-American executives at major labels too often are downsized out of gigs or ignored when it comes to climbing the ladder. As such, some of these executives find themselves outside the system.

The latest former major-label executive forging new entrepreneurial avenues is Bruce Walker. While doing so, he is simultaneously tapping into a burgeoning urban lifestyle component: the church.

The former DreamWorks GM and his wife Brenda Jones Walker, are the forces behind Los Angeles-based multimedia venture Walker Entertainment Group. Under that banner, the pair will launch new label B@ (Sharp) Records through a three-year licensing partnership with Urban Ministries Inc. UMI will provide support with marketing, promoting, selling and distribution.

The 36-year-old Chicago-based independent media firm, headed by president/CEO Carl Jeffrey Wright, provides magazines, books, videos, DVDs, music and crafts plus Sunday school curricula to more than 70,000 African-American churches. According to Wright, the company reaches upwards of 65% of 13 million African-American households in the United States. In addition to introducing a new comic book series, "The Guardian Line," in September, UMI has produced and/or distributed such the films as "The Gospel" with Boris Kodjoe and reality TV show "Go Global," the latter in partnership with Wycliffe Ministries.

Specializing in R&B and contemporary gospel/inspirational music, B@ will christen its liaison with UMI in the fall when the label begins rolling out ring-tones. At the top of the year, B@ plans to release CDs by a roster that includes singers Mark Middleton (BLACKstreet), Desiree Coleman Jackson and Jesse Campbell plus Grammy Award-winning producer/key- boardist Marvin "Cham" Parker, who has worked with Ludacris, U2/Kast and Natalie Cole. Also in the works: a series of DVD releases.

Ever since Kirk Franklin stowed onto the R&B chart with a No. 1 record in 1997, the marriage between R&B and gospel/inspirational music was thrust into a new light. The crossover success of Yolanda Adams, Mary Mary and others has opened the door to such popular ministries as that of Bishop T.D. Jakes. He presides over a business empire that includes books, films, albums and MegaFest, a lifestyle conference that attracts thousands of people annually.

UMI and Walker Entertainment Group are eyeing that and more with their new partnership. Working in tandem with Michael Davis, UMI executive VP of new business and entertainment, Walker Entertainment will produce contemporary gospel/inspirational albums with R&B artists whose roots are in gospel music and who already have a fan and touring base. The companies will utilize online support, UMI call centers and retail centers at various church locations to market this inspirational music to reach consumers brought by UMI and to expand gospel's mainstream following.

The goal of this direct access to consumers through UMI's database is to help increase sales to targeted audiences and cut costly investments in mainstream distribution. However, discussions concerning major-label distribution are under way to further expand the concept and music to the mainstream retail community.

Walker has also produced TV shows ("The Drop" for urban/ Latino network MtV) and served as a BET consultant. Jones Walker, whose marketing background includes VP stints at MCA, Capitol and Interscope/Death Row, is presently consulting Hidden Beach Rec- ords as chief marketing officer.

Besides B@, the Walker Entertain- ment Group includes a second division, B&B Entertainment, a music and TV production company.

Given the music industry's heightened competitive climate, Walker underscores that staying close to the streets and locking into lifestyle habits marks the difference between staying ahead of the game or falling behind.

"You need to connect with consumers to identify what they really want and, more important, what they feel is missing from the numerous products that are already available," Walker says.

Jones Walker adds, "You have got to live it, breathe it, feel it and have fun in order to deliver it."
REGGAE AT THE ROOTS

Billboard Heads To Jamaica For Back-To-Back Fests And Returns With The Straight Dope

For the first time in nearly a decade, two major reggae festivals were held in Jamaica less than two weeks apart. Red Stripe Reggae Sumfest took place July 16-22 in the island’s resort capital Montego Bay, followed by BMobility Reggae Sunsplash, held Aug. 3-6 in the parish of St. Ann, the birthplace of Bob Marley.

The barometer of Jamaican musical tastes, particularly among a younger demographic, is most accurately reflected by the lineup of each festival’s Dancehall Night, where a succession of DJs (the Jamaican equivalent of rappers) perform their hits. They often freestyle, their topical, improvised lyrics eliciting some animated responses; when Cham performed his hit “Ghetto Story,” many at Sunsplash displayed their approval by blazing torches and setting off fireworks. The dancehall programs yielded the best attended nights for both festivals.

Sumfest’s Dancehall Night pulled in an estimated 16,000 people, while Sunsplash’s attracted approximately 11,000. Fans waited until 6 a.m. at Sunsplash to experience Beenie Man’s musical response to the set delivered by his longstanding nemesis Bounty Killer a few hours earlier. The dispute has raged for more than a decade; in its latest chapter, Beenie Man is engaged to Bounty Killer’s ex-girlfriend. During his set, Bounty Killer referred to Beenie Man as a “janitor” for picking up his “old trash,” while Beenie Man responded by bringing the new very pregnant girlfriend in question onstage.

In his exclusive Sunsplash appearance at dawn, controversial Jamaican sensation DJ Vybz Kartel delivered a repertoire ripe with sexually explicit lyrics and stark, violent imagery alongside insightful social commentary, all of it fervently embraced by the sizable early-morning crowd.

And while DJs Mack Diamond and Lady Saw proved that ladies can be just as raunchy as their male counterparts, cultural lyrics reaped in the teachings of the Rastafarian way of life also have their place on Dancehall Night as evidenced by the enthusiastic responses to exceptional performances by Richie Spice, Chuck Fenda and Little Hero. The latter artists’ current renown in Jamaica augurs well for greater success in the international market.

“Everybody who is into this genre of music watches what happens in Jamaica, and because these are the island’s best-known festivals that means they are the premier showcases for reggae music,” says Cristy Barber, president of Tuff Gong Records, the label founded by Bob Marley and current home to his son Damian. “Tourists who are visiting the island hear about the festivals at their hotels, and that helps to spread the popularity of individual artists and reggae music in general.”

The festivals have adopted divergent approaches to attract their audiences. Conceived in 1978, Sunsplash remains “unapologetically a true reggae festival,” according to executive director Charles Campbell. Trinidadian soca superstar (and BMobility spokesman) Machel Montano was Sunsplash’s sole non-reggae performer while appearances by reggae bands from Nigeria (Victor Essiet & the Mandators), England’s Steel Pulse and a stunning performance by Alpha Blondy from the Ivory Coast contributed to the festival’s cosmopolitan flavor.

The event was at one time so successful that it spawned a U.S. tour and similarly styled festivals in Japan, Mexico and Brazil, but issues regarding a permanent home in Montego Bay forced Sunsplash off the map in 1997. Organizers finally relaunched it this summer after spending five years developing the St. Ann venue.

Sumfest, which launched in 1993, traditionally features an exhaustive lineup of the island’s top artists alongside international guest stars, which this year included hip-hop heavyweights 50 Cent/G Unit and Missy Elliott.

But ever since the first Sunfest, which began just four days after the conclusion of Sunsplash, observers have wondered if two major festivals held a few days apart is beneficial for Jamaica and reggae music.

Most now believe that if the events are properly planned, they can complement rather than compete with one another. “If Sunsplash can properly re-create itself, it is good because it brings more work for the artists and musicians and gives people more flexibility,” notes Peter Burke of Tads International Records, a reggae label with offices in Kingston and Miami. “If you can’t catch Sunfest, you can go to Sunsplash.”

Six Who Rocked The Joint

With more than 60 artists appearing at Sunsplash and more than 100 featured at Sunsplash, there were many noteworthy performances. The best deserve a toast.

CHAM, SUMFEST

Buoyed by the success of his hit “Ghetto Story,” the title track from his recent Atlantic debut and arguably the reggae single of the year, Cham’s charisma, robust vocals and versatility (he covered Bill Withers’ “Lean on Me”) transfixed the 16,000 patrons at Sunfest’s Dancehall Night.

LITTLE HERO, SUMFEST AND SUNSPASHL

DJ Little Hero has been recording since the mid-’90s, but remains known only to reggae’s most ardent followers. However, the dynamism he displayed at both festivals should change that. His passionate delivery of hit songs including the poor people’s anthem “Inna De Ghetto” and the peace plea “No More War” surpassed several of the performances put forth by the headlining dancehall superstars.

GENTLEMAN, SUMFEST

In his first appearance in Jamaica with his own Far East Band, German superstar Gentleman’s confidence and expanding repertoire of lyrically uplifting hits demonstrated why he is rapidly becoming a favorite among reggae fans everywhere. Gentleman spoke to the audience with an engaging German-Jamaican accent but his adept DJing approach suggests he could have been born and raised in Kingston.

DAMIAN MARLEY, SUNSPASHL

A year after “Welcome to Jamrock” lit up the Billboard charts, Marley’s dazzling Sunsplash performance was highlighted by his skillful speed rapping over equally accelerated dancehall beats, lively exchanges with the audience (including a cleverly rhymed lecture on the perils of fast food) and several heartfelt renditions of his dad’s classics.

RICHER SPICE, SUNSPASHL

Singer Richie Spice garnered tremendous attention for the roots reggae tune “Earth a Run Red,” his acclaimed 2004 CD “Spice in Your Life” and a spate of hit singles that have kept him on the international reggae charts for the past few years. Spice’s superbly controlled energy yielded an outstanding set; the diversity of songs like the romantic “Brown Skin” and the ominous “Folly Living” portended greater successes to follow.

MR. VEGAS, SUNSPASHL

Mr. Vegas’ melodic “sing-jay” vocals made him one of dancehall’s biggest stars in 1998. This year, he tore up both festivals with a set rife with old favorites like “Heads High” and recent hits including the anti-violence anthem “No Love.” As a memorable intro to his No. 1 Jamaican hit “Last Night (Constant Spring),” Vegas arrived on the Sunsplash stage riding a Honda 50 motorbike.

BY PATRICIA MESCHINO

REGGAE

August 26, 2006 | www.billboard.biz | 37
### BDSCertified Spin Awards July 2006 Recipients:

#### 500,000 SPINS
- **You And Me** / Lifehouse / GEFFEN
- **Closing Time** / Semisonic / MCA

#### 400,000 SPINS
- **Be Without You** / Mary J. Blige / GEFFEN
- **Lonely No More** / Rob Thomas / MELISMA/ATLANTIC
- **How's It Going To Be** / Third Eye Blind / ELEKTRA/ATLANTIC

#### 300,000 SPINS
- **Right Here** / Staind / ATLANTIC/FLIP
- **Unwritten** / Natasha Bedingfield / EPIC
- **Temperature** / Sean Paul / VP/ATLANTIC
- **You're Beautiful** / James Blunt / ATLANTIC
- **Don't Forget About Us** / Mariah Carey / MONAFRC/ISLAND/IDJMG
- **Good Morning Beautiful** / Steve Holy / CURB
- **Don't Happen Twice** / Kenny Chesney / BNA
- **Confessions Part II** / Usher / LAFACE/ZOMBA
- **Wake You Were Here** / Incubus / EPIC

#### 200,000 SPINS
- **Ridin'** / Chamillionaire Feat. Krayzie Bone / UNIVERSAL
- **Who Says You Can't Go Home** / Bon Jovi / ISLAND/MERCURY
- **As Good As I Once Was** / Toby Keith / DREAMWORKS
- **Dance, Dance** / Fall Out Boy / ISLAND
- **Big Star** / Kenny Chesney / BNA
- **Savin' Me** / Nickelback / ROADRUNNER
- **Fast Cars And Freedom** / Rascal Flatts / LYRIC STREET
- **Never Leave You** (Uh Oooh, Uh Oooh) / LUMIDEE / UNIVERSAL
- **Have You Forgotten** / Darryl Worley / DREAMWORKS

#### 100,000 SPINS
- **Promiscuous** / Nelly Furtado / GEFFEN
- **What's Left Of Me** / Nick Lachey / JIVE/ZOMBA
- **Unfaithful** / Rihanna / DEF JAM/IDJMG
- **Crazy** / Gnarls Barkley / DOWNTOWN/ATLANTIC/LAVA
- **Do It To It** / Cherish / SHONUFF/CAPITOL
- **Move Along** / All-American Rejects / INTERSCOPE
- **Black Horse & The Cherry Tree** / KT Tunstall / VIRGIN
- **Gimmie That** / Chris Brown / JIVE/ZOMBA
- **When You’re Mad** / Ne-Yo / DEF JAM/IDJMG
- **Wherever You Are** / Jack Ingram / BIG MACHINE
- **Settle For A Slowdown** / Dierks Bentley / CAPITOL NASHVILLE
- **Turn It Up** / Chamillionaire Feat. Lil' Flip / UNIVERSAL
- **Best I Ever Had** / Gary Allan / MCA NASHVILLE
- **Just Might** (Make Me Believe) / Sugarland / MERCURY

#### 50,000 SPINS
- **Bossy** / Kelis / JIVE/ZOMBA
- **Write Sins Not Tragedies** / Panic! At The Disco / DECAYDANCE/FUELED BY RAMEN/LAVA
- **A Little Too Late** / Toby Keith / SHOW DOG NASHVILLE/UNIVERSAL
- **Bring It On Home** / Little Big Town / EQUITY
- **U And Oa** / E-40 Feat. T. Pain & Kandi: Girl / REPRISE
- **Deja Vu** / Beyoncé Feat. Jay-Z / MUSIC WORLD/SONY URBAN/COLUMBIA
- **Viciousious** / Tool / VOLCANO/ZOMBA
- **Animal** / I Am Become / Three Days Grace / JIVE
- **Me And My Gang** / Rascal Flatts / LYRIC STREET
- **DJ Play A Love Song** / Jamie Foxx / J
- **Buttons** / Pussycat Dolls / INTERSCOPE/GEFFEN/A&M
- **Ain't No Other Man** / Christina Aguilera / RCA
- **Shoulder Lean** / Young Dro Feat. T.I. / GRAND HUSTLE/ATLANTIC
- **Hustlin'** / Nick Ross / DEF JAM/IDJMG
- **Steady, As She Goes** / Raconteurs / THIRD MAN/V2
- **Crazy Bitch** / Buckcherry / ELEVENSENVEN/ATLANTIC/LAVA
- **How 'Bout You** / Eric Church / CAPITOL NASHVILLE
- **Stay With You** / Goo Goo Dolls / WARNER BROS
- **Next Thing You Know** (Thirteen) / Matthew West / SPARROW/EMI CMC
- **Voltaire** / K-Paz De La Sierra / UNIVISION
- **Breathe** / Rebecca St. James / FOREFRONT
- **You're Worthy Of My Praise** / Big Daddy Weave & Barlowgirl / FERVENT/WORD/CURB
- **No More Cloudy Days** / Eagles / EAGLE RECORDING CO/WM
- **Joy** / Newsboys / SPARROW/EMI CMC
- **No Na No** (Dulce Nuna) / Kumbia Kings / EMI LATIN
- **Coming Undone** / Korn / VIRGIN
- **Angel De Amor** / Mana / WARNER MUSIC LATIN
- **It's Alright** / Third Day / ESSENTIAL/LPG
- **My Savior** / My God / Aaron Shust / BRASH
- **Undeniably** / Avalon / SPARROW/EMI CMC
- **Me Dedique A Perderte** / Alejandro Fernandez / SONY D.JCOS
- **Day By Day** / Point Of Grace / WORD/CURB/WARNER BRCS
- **My Praise** / Phillips, Craig & Dean / SPARROW/EMI CMC

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**Nielsen Broadcast Data Systems**
OUTKAST
I idewild
Producers: various
Label: LaFace/Interscope
Release Date: Aug. 22

Although Andre 3000 has gone out of his way to dispel rumors that OutKast is splitting, the soundly track to its film "Idewild" doesn’t do much to support the pioneering hip-hop duo’s unity. As on “Speakerboxxx/The Love Below,” Andre and Big Boi do their own thing without one another on most tracks, and film-specific songs like “Make No Sense at All” and “Call the Law” flat out of context. But they’re together on "Hollywood Divorce," featuring Snoop Dogg and Lil Wayne, where the posse discusses pop culture’s ethnic appropriation atop a melody. Big Boi’s "The Train," featuring Sleepy Brown and newcomer Scar, which finds him recounting OutKast’s entire career. We’re not saying the divorce is final, but you do the judge. —HC

KELIS
Kelis Was Here
Producers: various
Label: Jive
Release Date: Aug. 22

Kelis turns the whimsical fourth effort on a nonconformity, thick with dynamic instrumentation (hard drums, hammering bass, twinkling keys) like lead single “Bossy.” The album’s finest production moments are its offbeat ones, from the brilliant opera vocals in “Like You” to the drum/guitar riff in “Till the Wheels Fall Off.”

MARY J. BLIGE
Take Me As I Am (3:57)
Producers: infinity, Ron Fair
Writer: various
Publisher: Universal, Big Hoffen

The tender piano ballad “Take Me As I Am” reveals a woman who is not only secure in her own skin but also lives in a place in a music industry. This third cut from Mary J. Blige’s latest effort, “The Breakthrough,” finds the singer adorning her critics (what critics?) and embracing her rocky musical journey. Besides violin and understated piano twinkles (a sample of Lonnie Liston Smith’s “A Garden of Peace”), Blige describes her cheeky outlook. “She’s the one that knocked me out with the notes. The production adds little to the overall texture. We hate knocking an act that’s rightfully winning a spotlight in the overcrowded metal scene, but the Belgus took it set expectations incredibly high. Still, "Sacrament" likely won’t disappoint fans, and Lamb of God has a record to be proud of. —CLT

M. WARD
Post-War
Producers: M. Ward
Label: Columbia
Release Date: Aug. 22

In a career full of understated blues, frail folk, folk rock, and jazz, M. Ward’s new set is the full-band record we’ve been waiting for. His drawl and sublime guitar work is buttressed with plenty of percussion and even a string ensemble. While he still relies heavily on old-timey melodies and washes every instrument with classic dely, the set feels more alive than what they’ve been deemed by Big Boi’s “The Train,” featuring Sleepy Brown and newcomer Scar, which finds him recounting OutKast’s entire career. We’re not saying the divorce is final, but you do the judge. —HC

LAUSON
Allison
Producer: Armando Avila
Label: Sony BMG
Release Date: Aug. 22

You know times are a-changing in Latin music when you hear Allison. The Mexican rock trio, led by singer/guitarist Erik Allason, has climbed to No. 1 on the Mexican sales charts with music that sounds like a Spanish Blink-182—stuff that was an explosion climbed to the top of anything Latin, much less less a debut album. Allison doesn’t break the ground new to the table, but its songs are catchy to an extreme, especially “Perdido,” which will surely evince visions of Green Day. This is happy punk about youthful affairs, but it’s also full of attitude and

DANCE
JODY WATLEY
The Makeover
Producers: various
Label: Avitone
Release Date: Aug. 8

With “The Makeover,” veteran R&B/pop artist Jody Watley treats fans to a collection of treasured classics (her own and those of others) and a couple of new jams. Lead single “Borderline” completely twists the Madonna classic into a chill-out, pop-tonic gem, and Watley says why it’s embraced by tastemaking lounges DJs here and abroad. But wait until these same DJs get their hot, sweaty hands on Watley’s smoldering version of “Love Hangover” (produced by Chris Brann, Rodney Llree and Watley). Watley and producer Ron Trent inject Bob Marley’s “Waiting in Vain” with a little Saturday night experience, while DJ/producer King Britt reimages Watley’s own “Don’t You Want Me” for 2006 dancefloors. Elsewhere, U.K. outfit 4Hero invests the new “A Bed of Roses” with rhythmic push and pull. Throughout, a big-time sensuality prevails. —MP
plenty of crunching guitars. Even the handful of power ballads ("Aquarius," "Mister Destiny") never lose the distinctive driving tension or edge. Allison is fun. Enjoy the ride.—LC

JAZZ

RAY BARRETTO

Standards Rican-ditioned

Producer: Ray Barretto

Zoo

Release Date: Aug. 15

A straight up with a few twists is what Barretto serves up on "Standards Rican-ditioned," recorded shortly before the jazz master passed. This nine-song collection fulfills the congouer's dream to assemble an all-star cast of musicians of Puerto Rican descent to caress and swing through standards sans weighty Latin spice. The fine session highlights the improvisational prowess of tenor saxophonist David Sanchez and pianist Hilton Ruiz (ironically, this was also Ruiz's last recording before his untimely death in New Orleans this spring). "Lean on Me" shines with grins from Sanchez and Ruiz, who also stars on his moving solo rendition of the Ellington/Strayhorn beauty "Take the "A" Train." Without flash, Barretto girds the rhythm with his beats, but the buoyant "Strange Weather," reminiscent of the Caribbean Samba and the Caribbean Afro-Cuban vibe on "Manyoka O Brazil" and "Akaa Samoa Yaya." A musical map of the world.—PVV

VITAL REISSUES

TORTOSE

A Lazarus Taxon

Producers: various

Thrift Jockey

Release Date: Aug. 22

Hard-to-find oddities from one of indie rock's most eccentric groups abound on this four-disc set. Done better than a good game, the 12-minute epic crystallizes Tortoise's signature approach to instrumental bliss (simple, repetitive riffs that explode into a dubstic, electronically enhanced groove) and nearly drowns their ears in a glass of whiskey. With help from Crazy Strings and their BSS mates, the amplified "Skinny Boy," the Liz Phair "Headshod," and the bass-and-horn-heavy "Wayward and Pigeonhole" is the album's best moments. Acoustic numbers like "Losing You" and "Baby" find the band's most intimate, conveying a palpable sense of longing. The rest of the acoustic and twangy bluegrass tunes are somewhat lacking in variety, but "Honey" is a commendable first effort from an artist whose lush vocals are a treat for the ears no matter the genre.—JM

NEW & NOTEWORTHY

AMY MILLAN

Honey From the Tombs

Producer: Ian Blurton Arts & Crafts

Release Date: Aug. 22

Covering a song made famous during Celine Dion's pop heyday is almost laughable in its abruptness, but it works, and when it comes to Jim Steinman compositions, we all know that Meat Loaf was there first. Word is that it's "All I Can Dream Back to Me Now," which is the only one in the record for the "Meat Loaf" as the first single from upcoming "Out of Hell," the son is retooled to great effect as a duet. Accompanying vocalist Marion Raven has the supersized vocal mettle to meet her match with Meat Loaf's mega-theatrical performance and stands in the wings as a star in waiting. Even so, Meat Loaf is so often over the top that he conjures a cartoon character, and Steinman's extraordinary production makes it so that's exactly what the song is. The singer is drawn into the story, and Church's engaging performance brings the characters to life as they sit waiting for their future to unfold. Listeners will be on the edge waiting to see if those two pink lines appear—and we're not giving away the answer here. Listen up. It's a great single and should be a surefire hit for this talented newcomer.—DEP

LADY SOVEREIGN

Love Me or Hate Me (3:32)

Producer: Dr. Luke

Writers: L. Raitman, J. Stefanski

Decca

Publisher: not listed

Israel Def Jam

From the U.K. garage/gimme theme comes a self respecting pop song featuring a line in the Rhythm, Resolutions & Clusters..."A woman makes her way to the top with all the men's wicked thoughts..."

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from >>p39

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CORRECTIONS: In the Aug. 12 issue's single reviews, the correct producers for John Legend's "Save Room" are Will.I.Am and Legend. Also, in the review for Leigh Nash's "My Idea of Heaven," co-songwriter Rick Nowels' name was misspelled.
Music industry executives typically fixate on numbers at the top of the Billboard 200, but a summer already marked by troublesome milestones finds the latest case for concern at the chart's lowest rungs.

To go along with such dubious distinctions as the lowest Nielsen SoundScan week for an album that debuts at No. 1 and the smallest sales week for a No. 2 album in the SoundScan era, we can now add the smallest total by a No. 200 album.

If you round the numbers, as Billboard typically does, the total at No. 200 would be 4,000, entirely fair since Dirty Pretty Things' "Waterloo to Anywhere" misses that total by only a single copy.

That said, ever at 3,999 units, this marks the first time since May 1991, when The Billboard 200 switched to SoundScan data, that the raw number at any spot on the chart starts with a number lower than 4,000. The previous low title was not much larger than this week's sum at No. 200.

Paul Overstreet's total was 4,034 when his Heroes sat at the bottom of the chart in the June 15, 1991, issue. (Billboard rounds a title's SoundScan figures to the nearest 1,000, a condition waived here to chronicle this detail.)

The average at the chart's floor to this point of 2006 has been 4,843 copies, compared with 5,326 through the 32nd week of 2005. The parade of big releases that invades the final quarter of any year raised that average to 6,004 by the last frame of 2005.

Since the May 25, 1991, issue—Billboard's first SoundScan week—there have only been 100 weeks when the No. 200 album sold fewer than 5,000 units. The first eight months of 2006 account for 21 of those 100 weeks.

The chart's lowest sales figure happens in the same summer when a Johnny Cash album was able to lead the chart with a week of fewer than 90,000 copies; when Lon Lone Boys needed only 67,000 to bow at No. 2; and when album volume for a sales frame fell below 9 million units for the first time in a dozen years.

Those alarming numbers help explain why retailers and even some music company executives griped long and loud about the paucity of meaningful albums released in the early months of this year when music sellers gathered at the recent NARM convention.

Other factors are at play, sure, including the growth of digital track sales and the consumer's ability to grab music without paying for it, but those factors were already in the game in 2004, when Usher's "Confessions" sold 8 million copies in less than 10 months'.

Usher's career-best year, when three other albums sold more than 3 million copies, marked the only time since 2000 when album sales were larger than those of the prior year. The year 2004 should serve as a reminder of how important it can be to include big artists during the first eight months of a year.

'MIAMI' NICE: Even if the numbers are soft at the bottom of the big chart, relative newcomer Ross raises the roof at Top of The Billboard 200. His first set for Island Def Jam sells 187,300 in its opening week, the chart's largest sales frame in four weeks. Christina Aguilera will raise the stakes even higher next issue. Based on chart's first-day sales, RCA Music Group estimates her new "Back to Basics" will open north of 330,000 copies. If she hits that range, it will be the second-largest sales frame of the summer, and the biggest total the chart has seen since "Now" bowed at No. 1 with 398,000 sold in the July 29 issue.

That projection also gives Aguilera's double-CD outing a shot at her best career week. Her fifth charting album, "Stripped," moved 330,000 when it bowed at No. 2—behind the soundtrack to Eminem's 8 Mile"—in 2002.

Ross' lead track "Hustlin'," which peaked at No. 11 on Hot R&B/Hip-Hop Songs in the June 24 issue, paves the way for his album's healthy start. His only prior appearance on the singles chart had been as a featured artist on Trina's "Tell Y'all" from the "All About the Benjaminhs" soundtrack, which peaked at No. 64 in 2002.

Earlier this summer, Ross charted with independent album "The Street Cate: Official Mixtape," which spent two weeks on Top R&B/Hip-Hop Albums, peaking at No. 84...
### Billboard 200 Chart for August 26, 2006

**Top Album**

<table>
<thead>
<tr>
<th>Artist</th>
<th>Title</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td><strong>Toby Keith</strong></td>
<td><em>Dream Walkin' Man</em></td>
<td>White Trash With Money</td>
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<tr>
<td><strong>Shakira</strong></td>
<td>* Oral Fixation Vol. 2</td>
<td>Eyes Open</td>
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<tr>
<td><strong>Carrie Underwood</strong></td>
<td><em>White Christmas</em></td>
<td>Back To Bedlam</td>
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<tr>
<td><strong>The Red Jumpsuit Apparatus</strong></td>
<td><em>Don't You Fake It</em></td>
<td>Greatest Hits</td>
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<tr>
<td><strong>Alan Jackson</strong></td>
<td><em>Precious Memories</em></td>
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<tr>
<td><strong>Guns N' Roses</strong></td>
<td><em>Chinese Democracy</em></td>
<td></td>
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<tr>
<td><strong>DASHBOARD CONFIDENTIAL</strong></td>
<td><em>Disc Jockey</em></td>
<td>Dusk And Summer</td>
</tr>
<tr>
<td><strong>Three Days Grace</strong></td>
<td><em>One - X</em></td>
<td></td>
</tr>
<tr>
<td><strong>Johnny Cash</strong></td>
<td><em>The Legend Of Johnny Cash</em></td>
<td></td>
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<tr>
<td><strong>I Am Kloot</strong></td>
<td><em>The Road To Here</em></td>
<td></td>
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<tr>
<td><strong>The All-American Rejects</strong></td>
<td><em>Move Along</em></td>
<td></td>
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<tr>
<td><strong>Michael Buble</strong></td>
<td><em>It's Time</em></td>
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<td><strong>Ice Cube</strong></td>
<td><em>Laugh Now, Cry Later</em></td>
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<tr>
<td><strong>Kenny Chesney</strong></td>
<td><em>The Road And The Radio</em></td>
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<tr>
<td><strong>Rascal Flatts</strong></td>
<td><em>Feels Like Today</em></td>
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<tr>
<td><strong>Andrea Bocelli</strong></td>
<td><em>Amore</em></td>
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<td><strong>G Love</strong></td>
<td><em>Lullaby Of Broadway</em></td>
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<tr>
<td><strong>Chris Brown</strong></td>
<td><em>Guitar</em></td>
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<tr>
<td><strong>Keith Urban</strong></td>
<td><em>Be Here</em></td>
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<tr>
<td><strong>Hank Williams Jr.</strong></td>
<td><em>That's How They Do It In Dixie: The Essential Collection</em></td>
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<tr>
<td><strong>Rascal Flatts</strong></td>
<td><em>The Hullabaloo Goodbye</em></td>
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<tr>
<td><strong>New Kids On The Block</strong></td>
<td><em>I Love It When A Man Calls Me Baby</em></td>
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**Top New Artist**

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<tr>
<th>Artist</th>
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<tbody>
<tr>
<td><strong>Rick Ross</strong></td>
<td><em>Port Of Miami</em></td>
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<td><strong>Breaking Benjamin</strong></td>
<td><em>Sons Ofabe</em></td>
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<tr>
<td><strong>Various Artists</strong></td>
<td><em>NOW 22</em></td>
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<td><strong>L.T.D.</strong></td>
<td><em>Christ Iansen</em></td>
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<td><strong>SOUNDTRACK</strong></td>
<td><em>Step Up</em></td>
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<tr>
<td><strong>KIDZ BOP Kids</strong></td>
<td><em>Kidz Bop 10</em></td>
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<tr>
<td><strong>Nickelback</strong></td>
<td><em>All The Right Reasons</em></td>
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<td><strong>Letoya</strong></td>
<td><em>LeTroy</em></td>
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<tr>
<td><strong>Rascal Flatts</strong></td>
<td><em>My And My Gang</em></td>
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<tr>
<td><strong>H ello Goodbye</strong></td>
<td><em>Zombies! Aliens! Vampires! Dinosaurs!</em></td>
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<td><strong>Tom Petty</strong></td>
<td><em>Highway Comparison</em></td>
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<td><strong>Stone Sour</strong></td>
<td><em>Come What&gt;May</em></td>
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<td><strong>Steve Holy</strong></td>
<td><em>Brand New Girlfriend</em></td>
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<td><strong>Rihanna</strong></td>
<td><em>A Girl Like Me</em></td>
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<td><strong>Nelly Furtado</strong></td>
<td><em>Lonely</em></td>
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<td><strong>Hinder</strong></td>
<td><em>Extreme Behavior</em></td>
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<td>*<em>Canci On The Diesco</em></td>
<td><em>A Fever You Can't Sweat Out</em></td>
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<td><strong>Pharrell</strong></td>
<td><em>In My Mind</em></td>
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<tr>
<td><strong>Red Hot Chili Peppers</strong></td>
<td><em>Stadium Arcadium</em></td>
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<tr>
<td><strong>Dixie Chicks</strong></td>
<td><em>Taking The Long Way</em></td>
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<td><strong>Five For Fighting</strong></td>
<td><em>Two Lights</em></td>
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<td><strong>Ne-Yo</strong></td>
<td><em>In My Own Words</em></td>
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<tr>
<td><strong>The Fray</strong></td>
<td><em>How To Save A Life</em></td>
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<tr>
<td><strong>India.Arie</strong></td>
<td><em>Testimony: Vol. 1, Life &amp; Relationship</em></td>
</tr>
<tr>
<td><strong>CARRIE UNDERWOOD</strong></td>
<td><em>Some Hearts</em></td>
</tr>
<tr>
<td><strong>Tim McGraw</strong></td>
<td><em>Greatest Hits Vol 2 - Reflected</em></td>
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<tr>
<td><strong>Corinne Bailey Rae</strong></td>
<td><em>Corinne Bailey Rae</em></td>
</tr>
<tr>
<td><strong>Lindsey Buckingham</strong></td>
<td><em>In The Eyes Of Fire</em></td>
</tr>
<tr>
<td><strong>Rodney Atkins</strong></td>
<td><em>If You're Going Through Hell</em></td>
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<tr>
<td><strong>A.F.I.</strong></td>
<td><em>Decembreunderground</em></td>
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</tbody>
</table>

**Greatest All Time**

<table>
<thead>
<tr>
<th>Artist</th>
<th>Title</th>
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<tbody>
<tr>
<td><strong>The Wreckers</strong></td>
<td><em>Stand Still, Look Pretty</em></td>
</tr>
<tr>
<td><strong>Blue October</strong></td>
<td><em>Faded</em></td>
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<tr>
<td><strong>Passion Pit</strong></td>
<td><em>Step Back</em></td>
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<tr>
<td><strong>Santigold</strong></td>
<td><em>Yes Boy</em></td>
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<tr>
<td><strong>White Deer</strong></td>
<td><em>Bless The Broken Road - The Duets Album</em></td>
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<tr>
<td><strong>The Rhamsey</strong></td>
<td><em>The Big Bang</em></td>
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<tr>
<td><strong>Rucker</strong></td>
<td><em>Respect</em></td>
</tr>
<tr>
<td><strong>Kanye West</strong></td>
<td><em>I Tunes</em></td>
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<tr>
<td><strong>The Tuna Stables</strong></td>
<td><em>Eye To The Telescope</em></td>
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<tr>
<td><strong>30 Seconds To Mars</strong></td>
<td><em>A Beautiful Lie</em></td>
</tr>
<tr>
<td><strong>Los Lonely Boys</strong></td>
<td><em>Sacred</em></td>
</tr>
<tr>
<td><strong>Various Artists</strong></td>
<td><em>NOW 21</em></td>
</tr>
</tbody>
</table>

### Album Notes

- **California quartet's debut full-length studio album in nearly 50,000 sales. Voted no. 1 on Top Independent Albums.**
- **Almost five years after being the first solo studio album, Stayer achieves its highest charting album ever at no. 5 (sold).**
- **Residue of the sell-outering new tracks, three tracks and 10 albums classes 3016.**

- **Album moves 38,000 and is now at No. 1 on Top Christian Albums, the top 1st chart-topper on that tally in six years.**

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**Additional Chart Sections**

- **Top Artists**
- **Top Songs**
- **Top Movies**
- **Top TV Shows**
- **Top Billboard 200 Albums**
- **Top Billboard 100 Songs**
- **Top Adult Contemporary**
- **Top Alternative**
- **Top Dance Club**
- **Top Hip Hop/R&B**
- **Top Rap**
- **Top Country**
- **Top Rock**
- **Top Independent**
- **Top Classical**
- **Top Gospel**
- **Top Kids**
- **Top Latin**
- **Top Latin Pop**
- **Top Latin R&B/Pop**
- **Top Latin Rock**
- **Top R&B**
- **Top Rap**
- **Top Tejano**
- **Top World**

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**Footer:**

Go to www.billboard.biz for complete chart data.
August 2006

**Chart Reprint**

**THE BILLBOARD 200**

**WEEK OF AUGUST 26, 2006**

**ARTIST**

1. **LIL WAYNE**

2. **STEELY DAN**

3. **GORILLAZ**

4. **NICK LACHEY**

5. **DADDY YANKEE**

6. **PEARL JAM**

7. **CAROLE KING**

8. **GIN BLOSSOMS**

9. **AVENGED SEVENFOLD**

10. **SEETHER**

11. **LIONHEART**

12. **PINK**

13. **LOW-PROPHETS**

14. **JASON ALDEAN**

15. **VARIOUS ARTISTS**

16. **MASHA KILLA**

17. **RAKU & KENNY**

18. **FORT MINOR**

19. **BLACK SABBATH**

20. **KIDZ BOP KIDS**

**Title**

1. **Lil Wayne**

2. **Steely Dan**

3. **Gorillaz**

4. **Nick Lachey**

5. **Daddy Yankee**

6. **Pearl Jam**

7. **Carole King**

8. **Gin Blossoms**

9. **Avenged Sevenfold**

10. **Seether**

11. **Lionheart**

12. **Pink**

13. **Low-Prophets**

14. **Jason Aldean**

15. **Various Artists**

16. **Masha Killa**

17. **Raku & Kenny**

18. **Fort Minor**

19. **Black Sabbath**

20. **Kidz Bop Kids**

**Notes**

- The album is the longest running set to re-enter following heavy coverage.
- It also debuts at No. 1 on the Contemporary Jazz chart. For both charts, it's the highest debut by any group.
- The band's first album and chart debut for the week of August 2006.
- Major Label Victory for the band.
- City Of Evil debuts the band.
- One Cold Night debuts.
- Plans debuts.
- Number One debuts.
- Greatest Hits debuts.
- The Devil You Know debuts.
- Season 5: Encores debuts.
- Made In Brooklyn debuts.
- Masterpiece: Nuestra Obra Maestra debuts.
- The Rising Tide debuts.
- Greatest Hits debuts.
- American Idol debuts.
- As Cruel As School Children debuts.
- Unpredictable debuts.
- Educated Horses debuts.
- Victory Live! debuts.
- The Mother, The Mechanic, And The Path debuts.
- On Top Of Our Game debuts.
- Play It How It Go. Collection debuts.
- In My Mind debuts.
- Worship Jam debuts.
- Latino debuts.
- Inhuman Rampage debuts.
- Wherever You Are debuts.

**Data available on**

- Data for week of August 26, 2006
- For chart reprint call 646.654.4633

**Go to www.billboard.biz for complete chart data**
The most popu...
### Top R&B/Hip-Hop Albums

<table>
<thead>
<tr>
<th>Artist</th>
<th>Title</th>
<th>Label</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>DIE ANTWOORD</strong></td>
<td><em>Badger</em></td>
<td>$13.98</td>
</tr>
<tr>
<td>2</td>
<td><strong>LADY GAGA</strong></td>
<td><em>The Fame</em></td>
<td>$12.98</td>
</tr>
<tr>
<td>3</td>
<td><strong>PAUL MCCARTNEY</strong></td>
<td>* McCartney III*</td>
<td>$11.98</td>
</tr>
<tr>
<td>4</td>
<td><strong>TAYLOR SWIFT</strong></td>
<td><em>Fearless</em></td>
<td>$12.98</td>
</tr>
<tr>
<td>5</td>
<td><strong>ED SHEERAN</strong></td>
<td><em>=or=</em>*</td>
<td>$12.98</td>
</tr>
</tbody>
</table>

### Top Blues Albums

<table>
<thead>
<tr>
<th>Artist</th>
<th>Title</th>
<th>Label</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>ROYAL BLUES</strong></td>
<td><em>The Blues</em></td>
<td>$12.98</td>
</tr>
<tr>
<td>2</td>
<td><strong>GABRIELLE</strong></td>
<td><em>The Floor</em></td>
<td>$12.98</td>
</tr>
<tr>
<td>3</td>
<td><strong>JERRY LEE LEWIS</strong></td>
<td><em>The Great Performer</em></td>
<td>$12.98</td>
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<tr>
<td>4</td>
<td><strong>TED DEAN</strong></td>
<td><em>The Madman</em></td>
<td>$12.98</td>
</tr>
<tr>
<td>5</td>
<td><strong>THE BLUES BROTHERS</strong></td>
<td><em>The Very Best Of</em></td>
<td>$12.98</td>
</tr>
</tbody>
</table>

### R&B Makes Room for Bailey Rae

Seven weeks after Corinne Bailey Rae debuted in the No. 23 of The Billboard 200, the Brit's self-titled record hits No. 15 on Top R&B/Hip-Hop Albums. Billboard did not designate this set as an R&B release, but it finds a home on this survey thanks to building radio support for second single "Like a Star," now No. 35 on Adult R&B Airplay.

In the same week, VH1 Soul also raised Bailey Rae's R&B credentials as the dip for "Star" has 472 plays; big sister VH1 has 226 plays for "Put Your Records On." As of Aug 15, both channels profiled Bailey Rae for more than a month through the "You Oughta Know" campaign. First-week sales of 40,000 had Bailey Rae enter The Billboard 200 at No. 17 in the July 8 issue.
This page appears to be a chart from Billboard magazine, listing popular songs in various categories. The chart covers the weeks of August 26, 2006, and includes information on R&B/Pop and Adult R&B songs. The charts detail song titles, artists, labels, and other relevant data that help track the popularity of songs at the time. The images include tables and diagrams that are typical for music charts, providing rankings and other metrics for the songs listed.
WHAT YOU KNOW
THERE'S HOPE
India.Arie

WILL.I.AM (T.SMITH, W.ADAMS, K.HARRIS)
C.ELLIOTT, D.VITO, CHEESE (B.CASEY, B.
J.DUPRI, L.RODRIGUEZ, J.LOW, R.RUDOLPH,
C.TALBOTT)

I'M DUTTY WINE
S.STORCH, S.GARRETT

SAY SHE DON'T
DJ PLAY A LOVE SONG
D.KELLY (D.KELLY, D.BECKETT)
R.JERKINS

NEED A BOSS
Shareefa Featuring Ludacris

SHINE
S.MARTIN, C.GODBEY (K.FRANKLIN, P.RUSHEN, C.
MIMS, S.BROWN, E.WASHINGTO)
D.VITO, CHEESE (F.KING, N. KING,
MONEY MAKER
Ludacris Featuring
I STARGATE (S. SMITH

ITS SNAP
S.E.X.

LOVE MY CALL
E.Y. BUSH, S.PJOSEPH, J.CAMERON, N.LEE)

TIME LIKE 40
 Musik Featuring Brook

WE ON TOP
(100,000)

YOU SEE
YOU

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### Top Country Albums

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<td>Me And My Gang</td>
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<td>2</td>
<td>Billy Currington</td>
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<td>Welcome to the Fishbowl</td>
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<td>Lady Antebellum</td>
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<td>Lonely Runs Both Ways</td>
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<td>West of Bluegrass</td>
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<td>The Del McCoury Band</td>
<td>The Promised Land</td>
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<td>Green Day Bluegrass: Pickin' On Green Day</td>
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<td>Straummin' With The Devil</td>
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### Artist Sales Chart

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<td>Sara Evans</td>
<td>Real Fine Place</td>
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<td>Pickin' On Josh Turner: The Bluegrass Tribute</td>
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**HOLY SEES 'BRAND NEW' FEAT**

Steve Holy posts his biggest Nielsen SoundScan week and highest chart positions so far on The Billboard 200 and Top Country Albums with "Brand New Girlfriend." Holy's second set moves 37,000, for a No. 2 start on the country list and a No. 19 bow on the big chart. Holy's "Blue Moon" stood as high as No. 7 on Top Country Albums and peaked at No. 63 on The Billboard 200 in March 2003, issue. That week, he saw Holy's best sales frame (25,000 units).

The new album's handsome start is driven by radio play for the title-track lead single, which makes 29.4 million audience impressions during the tracking week and jumps 8-3 on Hot Country Songs.

A Greatest Gainer nod also goes to Josh Turner's "Your Man" (6-3), which sees a 4,000-unit spike (29,000 sold) after the Aug. 11 premiere of a CMT "Cross Country" segment with Randy Travis. The cable outlet heavily promoted the special during the tracking week.

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*Note: Nielsen SoundScan is the leading provider of sales data for the music industry in the United States. This information is based on Nielsen SoundScan data for the week ending August 26, 2006.*
**HOT COUNTRY SONGS**

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**BETWEEN THE BULLETS**

Rodney Atkins

If You're Going Through Hell (Before the Devil Even Knows)

On this week's chart, George Strait's "Give It Away" is the youngest title to make simultaneous jumps into the chart's top 10.

With eight week's under its belt, George Strait's "Give It Away" is the youngest title to make simultaneous jumps into the chart's top 10.

Concurrent hits, Brooks & Dunn and Faith Hill.

**THREE BIG ACTS INVADE COUNTRY'S TOP 10**

**Artist/Title (Co-Author)**

<table>
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<tr>
<th>No.</th>
<th>Title</th>
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Country Music Update

**Data for week of AUGUST 26, 2006**

For chart reprints call 646-654-4633

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**LATIN AIRPLAY**

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Data: fc week of AUGUST 26, 2006

Go to [Billboard.biz](https://www.billboard.biz) for complete chart data.
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#### SINGLE SALES

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<th>No.</th>
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<td>Slogan</td>
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<td>Polygram Music France</td>
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<td>Alan Jackson</td>
<td>Precious Memories (Radio/Video Single/Enhanced CD)</td>
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<td>Mercy</td>
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<td>Epic Records</td>
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<td>Romantic Voices</td>
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#### ALBUMS

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<td>Mi Vida Loca</td>
<td>CD</td>
<td>EMI/Atlantic</td>
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<tr>
<td>3</td>
<td>Shakira</td>
<td>Fijación 100%</td>
<td>CD</td>
<td>BMG Direct</td>
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<td>Jan Delay</td>
<td>Yourself</td>
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<td>Seasons in the Abyss</td>
<td>CD</td>
<td>Roadrunner Records</td>
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<td>Black Hole Xmas Heavens Volume 3</td>
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<td>James Morrison</td>
<td>Undercover Love</td>
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<td>Final Straw</td>
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<td>Rudebox</td>
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<td>Gnarls Barkley</td>
<td>Crazy</td>
<td>CD</td>
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<td>Razorlight</td>
<td>Up All Night</td>
<td>CD</td>
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<td>The Pussycat Dolls</td>
<td>Don't Cha</td>
<td>CD</td>
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<td>Rihanna</td>
<td>We Ride</td>
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<td>Keane</td>
<td>Hopes and Fears</td>
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### RADIO AIRPLAY

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<td>2</td>
<td>Crazy</td>
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<td>CD single</td>
<td>BMG Direct</td>
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<tr>
<td>3</td>
<td>Unfaithful</td>
<td>Unfaithful</td>
<td>CD single</td>
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<td>4</td>
<td>Smile</td>
<td>Smile</td>
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<td>SMILE</td>
<td>SMILE</td>
<td>CD single</td>
<td>BMG Direct</td>
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<tr>
<td>6</td>
<td>Ain't No Other Man</td>
<td>Ain't No Other Man</td>
<td>CD single</td>
<td>BMG Direct</td>
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<tr>
<td>7</td>
<td>Stars Are Blind</td>
<td>Stars Are Blind</td>
<td>CD single</td>
<td>BMG Direct</td>
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<tr>
<td>8</td>
<td>A Dios Le Pido</td>
<td>A Dios Le Pido</td>
<td>CD single</td>
<td>BMG Direct</td>
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<tr>
<td>9</td>
<td>Love Don't Let Me Go</td>
<td>Love Don't Let Me Go</td>
<td>CD single</td>
<td>BMG Direct</td>
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<td>Donnie Mcclurkin</td>
<td>Rich</td>
<td>CD single</td>
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<td>Lee Williams and the Spiritual QC's</td>
<td>Rejoice</td>
<td>CD single</td>
<td>BMG Direct</td>
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<td>Sheila &amp; New Breed</td>
<td>Completely</td>
<td>CD single</td>
<td>BMG Direct</td>
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<td>Various Artists</td>
<td>Front Row</td>
<td>CD single</td>
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<td>Various Artists</td>
<td>Get Up and Dance</td>
<td>CD single</td>
<td>BMG Direct</td>
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</table>

Data for week of AUGUST 26, 2006

For chart reprints call 646-654-4635

Go to www.billboard.biz for complete chart data
ALBUM CHARTS

Sales data compiled from a comprehensive pool of U.S. music merchants by Nielsen SoundScan. Sales data for R&B/Hip-Hop Singles charts is compiled by Nielsen SoundScan from a national subset of core stores that specialize in these genres.

- Albums with the greatest sales gains this week.
- * Indicates album entered top 100 of The Billboard 200 and has been removed from independent chart.

PRICING/CONFIGURATION
- CD/DVD prices are suggested list or equivalent prices, which are interpolated from wholesale prices. * after price indicates album available on DiscDude. CD/DVD after price indicates CD/DVD combo available. * indicates vinyl LP is available. Pricing and vinyl LP availability are not included on all charts.

SINGLE CHARTS

Compiled from a national sample of radio data supplied by Nielsen Broadcast Data Systems. Charts are ranked by number of gross audience impressions, compiled by cross-referencing exact times of airing with Arbitron listener data. The exceptions are the Rhythm/Top 40, Adult Contemporary, Modern Rock and Adult R&B charts, which are ranked by total detections.

- Songs showing an increase in audience (or detections) over the previous week, regardless of chart movement.

RECURRENT SINGLES
- Songs are removed from the Hot 100 and Top 40 Airplay charts simultaneously if they have been on the Hot 100 for more than 20 weeks and rank below 50. Songs are removed from the Hot R&B/Hip-Hop Songs and Hot R&B/Hip-Hop Airplay charts simultaneously if they have been on the Hot R&B/Hip-Hop Songs & Tracks for more than 30 weeks and rank below 50. Songs are removed from the Pop 100 and Pop 100 Airplay charts simultaneously if they have been on the Pop 100 for more than 30 weeks and rank below 30. Titles are removed from Hot Country Songs if they have been on the chart for more than 30 weeks and rank below 15 in detections or audience, provided that they are not still gaining enough audience points to debut. Songs are removed from the Adult Top 40, Adult Contemporary, Adult R&B, and Top Dance Airplay charts if they have been on the chart for more than 20 weeks and rank below 15 for Modern Rock and Latin or if they have been on the chart for more than 52 weeks and below 10.

SINGLES SALES CHARTS

The top selling singles compiled from a national sample of retail stores, mass merchant, and internet sales reports compiled, counted, and provided by Billboard_SoundScan. For R&B/Hip-Hop, Top Singles Sales, sales data is compiled from a national subset of core R&B/Hip-Hop stores by Nielsen SoundScan.

- Singles with the greatest sales gains.

CONFRIGURATIONS

HITPREDICTOR
- Indicates the artist's or single's HitPredictor status in that particular format based on research data provided by Promosquad. Songs are listed online by Promosquad using multiple charts and a nationwide sample of captains of our partnered music companies. Songs are rated on a 1-5 scale. Final results are based on weighted positives. Songs with a score of 4 or 5 (35 or more for country) are judged to have Hit Potential. Although that brand can fluctuate per format based on the strength of available music, for a complete and updated list of current songs with Hit Potential, commentary, posts and polls, please visit www.hitpredictor.com.

DANCE CLUB PLAY

Compiled from a national sample of reports from club DJs.

- Titles with the greatest club play increase over the previous week.

AWARDS/RECOGNITIONS

- Recording Industry As of America (RIAA) certification for net shipment of 500,000 albums (Gold). - RIAA certification for net shipment for 1 million units (Platinum). - RIAA gold certification for net shipment of 10 million units (Diamond). - Within Platinum or Diamond symbol indicates album's multi-platinum level. For boxed sets, and double albums with a running time of 99 minutes or more, the RIAA multiple units are the number of discs and/or tapes. - Certification for net shipments of 100,000 units (Gold). - Certification for 200,000 units (Platinum). - Certification for 400,000 units (Multi-Platinum).

SINGLES CHARTS

- RIAA certification for 100,000 paid downloads (Gold). - RIAA certification for 200,000 paid downloads (Platinum). Numerical within platinum symbol indicates song's multi-platinum level. - RIAA certification for net shipment of 500,000 singles (Gold).

MUSIC VIDEOS SALES CHARTS

- RIAA gold certification for net shipment of 25,000 units for video singles. - RIAA gold certification for net shipment of 50,000 units for shortform or longform videos. - RIAA platinum certification for net shipment of 100,000 units for video singles. - RIAA platinum certification for sales of 100,000 units for albums at retail or home video.

DVD SALES/VHS SALES/VIDEO RENTAL

- RIAA gold certification for net shipment of 100,000 units or $1 million in sales at suggested retail price. - RIAA platinum certification for sales of 100,000 units or $2 million in sales at suggested retail price. - RIAA gold certification for net shipment of 125,000 units or a dollar volume of $1 million at retail for theatrically released programs, or at least 25,000 units or $1 million at suggested retail for non-theatrical titles. - RIAA platinum certification for a minimum sale of 250,000 units or a dollar volume of $18 million at retail to theatrically released programs, and at least 50,000 units or $2 million of suggested retail for non-theatrical titles.
<table>
<thead>
<tr>
<th>SONG INDEX</th>
</tr>
</thead>
</table>

**Chart Codes:** CS (Hot Country Songs), H100 (Hot 100 Songs), LT (Hot Latin Songs), POP (Pop 100 Song) and RBH (Hot R&B/Hip-Hop Songs). **TITLE** (Publisher - Licensing Org ) Sheet Music Dist., Chart, Position.

### AUG 26, 2006


**A**

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Fat Joe was captured here in Brooklyn, NY's Prospect Park during the video shoot for his new single, "Clap and Resolve," which just wrapped.

Photo: Courtesy of Mpu处分WIREIMAGE.com

HSN and InStyle had an intimate cocktail party for the Dixie Chicks at Chinatown Bwareric's Koi Lounge in New York prior to the group's Madison Square Garden concert. From left are Chick Martie Maguire, style managing editor Charlie Lawhon, Dixie Chick manager Simpa Tomsha, Chicks Natalie Maines and Emili Robison. HSN VP of U.S. sales Mike Hard and HSN director of brand strategy Gayle Troberman. Photo courtesy of LAFFUSACCA/WIREIMAGE.COM

Billboard Underground
The Billboard Underground presented the Slip at an elite, invitation-only event Aug. 7 at the Core Club in New York.

Left: Enjoying the reception, from left, are the Slip's Brad Barr, Billboard's Brian Kennedy, the Slip's Marc Friedman and Andrew Barr, and the Slip's manager John Frattalone.

Below: The Slip rocked the Billboard Underground, rod guests, including DJ, DJs, Club's exclusive members, with its lively brand of live rock.
RAY SIGNS EPIC DEAL

Food Network tastemaker Rachael Ray arrived fashionably late for her photo shoot at New York’s Industria Studios. But all was forgiven once she cracked that signature smile of hers as she pondered the racks of clothes for her close-up. “Ooh, look,” she said, holding up a shirt and jeans, “this is the perfect record-signing outfit. And it’ll be all I get my black Gucci leather jacket on.”

For those who got past the words “record-signing,” here’s the deal: Ray has signed on the dotted line with Epic Records, which will release Ray-branded compilations and voicetones.

Ray’s voicetones will be available from all carriers; they arrive just in time for the Sept. 18 premiere of syndicated “The Rachael Ray Show.” The hour-long talk show is produced by Ray and Oprah Winfrey. That said, Track expects to see strong strategic partnerships all around. Which could be one of the reasons why Epic President Charlie Walk was beaming at the photo shoot.

WHAT’S GOIN’ ON WITH DURAN?

Duran Duran is getting a bit soulful ahead of the follow-up to the release of its 2004 Epic pop set “Astronaut.” Speaking from his villa in France, keyboardist Nick Rhodes tells Track, “I listened to Marvin Gaye recently. It made me realize how beautiful some songs from that period can be. It gave me a few ideas, that’s for sure.” Rhodes is also giving high rotation to new albums by Gnaris Barkley and Nelly Furtado. The upcoming, as-yet-untitled Duran album is expected to drop in early 2007.

HOT FUSS OVER BURTON

“When You Were Young,” the lead single from the Killers’ sophomore album “Sam’s Town” (due Oct. 3), is a top 10 hit at modern rock, radio. Track hears that the Las Vegas-based foursome is preparing to begin shooting the video to the set’s next single, “Bones.” Film director Tim Burton has been tapped to man the cameras.

SOUTHERN COMFORT

Puerto Rican singer Olga Tañón is looking to expand her horizons. In a departure, the pop/tropical singer has recorded a duet with Tony Melendez, lead singer of top norteño group Conjunto Primavera. Sources tell Track the ballad is well-positioned to be included on Tañón’s upcoming release.

Earlier this year, Tañón signed with SGZ/Univision after one successful album with Sony BMG. Tañón had previously been on Warner Music Latina, when the label was run by George Zamora, who now heads SGZ (recently purchased by Univision). Apparently, Zamora wanted Tañón back in his life.

According to what Track is hearing, Tañón’s forthcoming SGZ album preserves her winning pop/tropical formula. However, the collaboration with Melendez will no doubt open the doors for a new regional Mexican audience, even as it expands Melendez into the pop arena.

LENNON STROKES HAMMOND

Sean Lennon’s first album in eight years, “Friendly Fire,” is due Sept. 26 via Capitol. But the 30-year-old Beatles spawn is just as enthused about playing on Srokes guitarist Albert Hammond Jr.’s solo debut, “Your’s to Keep,” (due Oct. 9 in the United Kingdom via Rough Trade. No U.S. release is planned at present.

“Albert’s record is really well-crafted,” Lennon tells Track. “He’s such a talented musician with such good taste. He loves good food, good clothes and nice people. He loves the best things about life and music, and his record is like that. It’s like well-crafted ‘Inn of the Cloud’ dish or something. It’s a perfect pop/rock, bite-sized thing.”

RED HOT & AFRICA

Equatorial Africa is set to be the coolest place on Earth if the Red Hot Organization has its way. Known for its acclaimed “Red Hot” compilation series, the AIDS charity is set to launch its most ambitious project to date. Sources tell Track that the Red Hot crew will soon announce a global initiative to gather songs for its next CD collection, “Hear Me Now: Africa.”

In a nutshell, Red Hot is looking for music submissions from unsigned artists across the African continent—artists whose lyrics focus on how HIV/AIDS has affected their lives, their families and their communities.

A dedicated Web site will function as the central hub for the participants, media partners and project sponsors. Fans will have the opportunity to vote on their favorite tracks via text messaging or directly through the site, forming an international community around the project.

The winners will be flown to New York to record their music with some of today’s greatest performers and producers. The finished tracks will be on “Hear Me Now.”

Red Hot is lining up partners and strategic alliances with online community sites, mobile phones, record labels and publishers as well as African broadcast companies.

RECORD LABELS:

Sheridan Square Entertainment founder/co-CEOs Joe Blanco and Anil Narang take on newly created roles as co-chairmen of the board of directors. Sheridan Square appoints COO Michael Olsen president/CEO.

RCA Music Group appoints Bryan Leach senior VP of urban for the RCA Music Group and president of Polo Grounds Music. He was VP of A&R at TVT Records.

Koch Records promotes John Frank to senior VP of marketing. He was VP of marketing.

PUBLISHING:

Cherry Lane Music Publishing promotes Richard Stumpf to senior VP of creative services and marketing. He was VP of the department.

Universal Music Publishing Group promotes Ethiopia Habtemariam to VP of urban music. She was East Coast director of urban music.

EMI Music Publishing in Nashville promotes Tom Lutteran to senior director of A&R. He was director of EMI in Nashville also appoints Stevie Erickson manager of A&R.

In Los Angeles, EMI Music Publishing appoints Ed Jefferson senior director of creative, West Coast. He was A&R manager at Polydor Records UK.

DISTRIBUTION:

Navarre Corp. appoints Marvin Gleicher VP of DVD content acquisition. He was founder/president of Manga Entertainment.

Send submissions to execturn@billboard.com.

GOOD WORKS

SAKS ROCKS WITH CHANEL

Saks Fifth Avenue and Chanel are partnering for a benefit fashion show called Rock and Roll Costume Sept. 7 at the Renaissance Hotel in Cleveland. The show, presented by Mercedes-Benz Northeast Ohio dealers, will spotlight Karl Lagerfeld’s Chanel Fall 2006 Ready-to-Wear collection. British soul singer James Hunter will perform. All proceeds from the event, which includes a live auction, will benefit the educational programs at the Rock and Roll Hall of Fame and Museum. For more info, log on to rockhall.com.

ROCK’N’ROLL WITH HEART

The sixth annual MusicfestNW, held Sept. 7-9 at various clubs in Portland, Ore., will raise money for the Rock and Roll Camp for Girls and the Oregon Rock and Roll Hall of Fame. The latter will use the proceeds to increase music education in high schools. Highlights include performances by The Wailers, the Brian Jonestown Massacre, the Black Keys and the Mooney Suzuki. For more info, log on to musicfestnw.com.
Remixed & Remastered

GET FACE-TO-FACE WITH INDUSTRY LEADERS!

THE BILLBOARD Q&A WITH BANANARAMA!
Armed with their new dance-pop album, "Drama," get up close & personal with Keren Woodward & Sara Dallin.

CONFIRMED SPEAKERS SUBJECT TO CHANGE
- Paul Anthony, CEO, Rumblefish
- John Babbit, Talent Manager & Marketing Consultant, Tsunami Entertainment
- Brandon Bakshi, Director of Writer Publisher Relations for Europe, BMI
- Chuck Barrett, Executive Producer, Promo Only
- Maurice Bernstein, CEO/President, Giant Step
- SuzAnn Brantner, General Manager, 3 Artists Management
- Geoffrey Colon, Manager of Marketing and Merchandising, The Orchard
- Lainie Copicchio, President, Aurelia Entertainment
- Patrick Doddy, VP of Brand Imaging, Armani Exchange
- Bonny Dolan, VP/Music Producer, Leo Burnett
- Shane German, Artist & Label Relations Manager, SoundExchange
- Eddie Gordan, President, Music 2 Mix
- Alex Greenberg, Senior Account Executive, Mitch Schneider Organization
- Gregory Grene, Music Producer, Draft/FCB
- Hosh Gurelli, VP of A&R, RCA Music Group
- Jedd Katanarcha, Creative Manager, Spirit Music Group
- Jennifer Masset, U.S. Label Manager, K7 Records
- Chris Murphy, Founder, Petrol Records
- Guy Ornadel, President, Ornadel Management
- John Peake, Program Director, KNCD San Francisco
- Gary Saltman, President, Big Management & Entertainment
- Ricky Simmonds, Co-Founder/Director, Audiojelly.com
- Jeff Straughn, VP of Strategic Marketing, Island Def Jam
- Shane German, Artist & Label Relations Manager, SoundExchange
- David Waxman, Senior Director of A&R, Ultra Records
- Jared Willig, Director of Music Programming & Industry Relations, AOL Music

KEYNOTE SPEAKERS
- MARCO D'AMICO VP OF MARKETING CIRCUS DU SOLEIL
- ERIC HIRSCHBERG PRESIDENT/CEO DEUTSCH LA

PARTICIPATING ARTISTS
- Jane Fonda
- Sam Canning
- Carmina Sciascia
- Enrico Caruso
- Mary Onette
- Alain Souchon
- Sandy Stevens
- LP
- Paul Muro
- The Lace Foundation

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Christina Norman
President
MTV

Greg Tseng
CEO & Co-Founder
Tagged.com

Gretchen Bleiler
Silver Medalist
Women’s Halfpipe
2006 Winter Olympics

Adrian Si
Interactive Marketing Manager
Scion

Jessica Weiner
Author & Columnist
Teen Expert

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Tori Matt, Marketing Manager
Dualstar Entertainment

the top 6 reasons you must attend What Teens Want

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4. Learn how to create and launch new teen products
5. Discover novel, innovative marketing strategies that work
6. Meet executives from other companies who are proven experts in reaching teens

CONTACT US

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HOTEL
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