

## Bjork Wins One Dispute; Sample Charge Pending

This story was prepared by Dominic Pride, Jeff Clark-Meads, and Roger Pearson.

LONDON—Tracks from Icelandic star Bjork's two solo albums have become the subject of two different legal disputes here.

Bjork faced one action in the high court by composer and arranger Simon Lovejoy (real name Simon Fisher), who unsuccessfully alleged that he owned a copyright in the track "Crying" on Bjork's 1993 "Debut" album.

In a separate dispute, Bjork's U.K. record company, One Little Indian, was forced to re-press the new album "Post" after a dispute over a sample used on the track "Possibly Maybe."

However, the judge in the "Crying" action, Mr. Justice Jacob, ruled June 23 that Lovejoy's claims were not substantiated. Finding for Bjork, he described Lovejoy's role as that of a technician putting down Bjork's thoughts, rather than that of a composer. "I think Lovejoy's contribution was minimal," he said.

The judge observed, "Where there's a hit there's a writ. It's an old saying in the record world, and Bjork has found that to be true to her cost."

Bjork—cited under her full name of Bjork Gudmundsdottir—was sued jointly with her company, Bapsi Limited; One Little Indian; and record producer Nellee Hooper.

In his writ issued February 10, Lovejoy claimed that he was responsible for part of the composition of "Crying" in what he said was a two-week songwriting session with Bjork in London.

The writ also claimed that Lovejoy had copyrights in other tracks from "Debut"; namely, "Human Behaviour," "Venus As A Boy," and "Aeroplane," but these assertions were dropped before the case came to trial.

Giving evidence June 20, Bjork said that she had met Lovejoy in a Reykjavik (Continued on page 86)



**Talkin' 'Bout D Generation.** Recording group D Generation celebrates signing with Columbia Records by taking executives for a ride on the Cyclone roller coaster at Coney Island in Brooklyn, N.Y. The band's label debut is scheduled for release in late summer or early fall. Shown in back row, from left, are Jon Goldwater of Crash Management and band member Howie Pyro. In middle row, from left, are Danny Wynn, VP of business affairs, Sony Music; John Ingrassie, senior VP, Columbia Records Group; band members Danny Sage and Rick Bacchus; and James Diener, A&R and marketing staffer, Columbia Records. Shown in front row, from left, are Don Ienner, president, Columbia Records; and band members Jesse Malin and Michael Wildwood.

## Kingsmen To Reclaim Master Recordings Band Received No Royalty Payments For 30 Years

BY CHRIS MORRIS

LOS ANGELES—A U.S. District Court judge here has ruled that the Kingsmen can recover over 100 of their master recordings, including the group's much-anthologized 1963 version of "Louie Louie."

Judge William D. Keller's June 20 order resolved an action brought to trial in L.A. federal court in November 1994. The Kingsmen—Richard Peterson, Mike Mitchell, Lynn Easton, Norm Sundholm, and Barry Curtis—had filed suit against G.M.L. Records. That Nashville-based company purchased 102 of the band's masters, which had changed hands frequently over the years, as part of a 1984 deal for a catalog of over 10,000 recordings. The purchase price was \$500,000.

In their suit, the Kingsmen maintained that they were entitled to re-

scind their recording contracts and reclaim their masters, since G.M.L. and its predecessors had materially breached the contracts by neither paying royalties nor supplying an accounting of monies owed to the band.

Keller held with the band's assertions. He noted in his order that the defendants in the case had stipulated no one in the chain of title had made any royalty payments, despite numerous uses of the masters since the '60s, and that G.M.L. had admitted no accounting had been rendered and no royalty statements had been sent for 30 years.

In New York, Jim Cinque, a lawyer for the defendants, says the case will be appealed. Before this takes place, he adds, he will ask Keller for a finding of facts and conclusion of law, including reasons why Keller did not apply the statute of limitations on the suit if the contractual breach is more

## Court Awards Rare Columbia Masters To Small N.J. Label

BY PAUL VERNA

NEW YORK—A New Jersey bankruptcy court granted ownership of precious masters from Columbia Records' defunct Nashville recording studio to a small New Jersey label that acquired the tapes at an unfathomably low price.

However, the court awarded Columbia's parent company, Sony Music Entertainment, copyright ownership of approximately 30% of the recordings, even though they were made before passage of the 1972 Copyright Act.

The 2,200 reels of tape contain previously unreleased performances from such rock, pop, country, and jazz legends as Elvis Presley, Frank Sinatra, Bob Dylan, Hank Williams, and Louis Armstrong.

Recorded at Columbia's Nashville studios in the '50s, '60s, and early

'70s, they were obtained by studio employee Michael Figlio under a policy that allowed staff to purchase reels not used in the production of specific albums, according to court documents.

Figlio, apparently unaware of the value of the reels, stored them in a Nashville warehouse for nearly 20 years. In 1990, he defaulted on his payment to the facility, forcing its management to auction off the contents of the locker, in accordance with Tennessee law. A local couple, Doug and Brenda Cole, purchased the collection, sight unseen, for \$50.

The Coles then sold the collection to Clark Enslin Group, a New Jersey entertainment firm, for \$6,000, according to court documents.

When CEG contacted Sony to negotiate the sale of the masters, Sony sued the company in Tennessee and New Jersey, claiming ownership, according to court documents. CEG filed for bankruptcy protection Nov. 12, 1992.

Then, on June 8, 1995—after a three-year court battle between CEG and Sony—a New Jersey federal bankruptcy court judge granted CEG ownership of the masters and the right to sell them. However, the judge enjoined CEG from copying or distributing the masters, arguing that Sony owns "the common law copyright[s]" embodied in works recorded by artists under contract to Sony's labels—Columbia, Epic, and their affiliates.

"We were very pleased with the decision, because it affirmed intellectual (Continued on page 12)



PRESLEY



DYLAN

### EXECUTIVE TURNTABLE

**BILLBOARD.** Deborah Robinson is named Eastern advertising rep for Billboard in New York. She was Western advertising rep in Los Angeles.

**RECORD COMPANIES.** John Reid is named president of A&M/Island/Motown Records of Canada, based in Ontario. He was marketing director of London Records in the U.K.

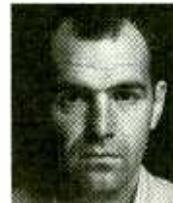
**Ron Laffitte** is appointed senior VP/GM, West Coast, for the Elektra Entertainment Group in Los Angeles. He was president of Laffitte Entertainment.

**Kevin Evans** is appointed senior VP of the black music division of the RCA Records Label in New York. He was president of the black music division of Scotti Bros.

**Syd Birenbaum** is promoted to president of Discovery Records in Los Angeles. He was VP of sales and marketing.



ROBINSON



REID



LAFFITTE



EVANS



BIRENBAUM



BURRUSS



MITGANG



D'AGOSTINO

**Tim Burruss** is named VP of promotion for Hollywood Records in Los Angeles. He handled national promotion at Interscope.

**Laura Mitgang** is appointed VP of A&R for Sony Classical in New York. She was VP of administration for Sony Classical Film and Video.

**Doreen D'Agostino** is named GM of Deep Cave Records in New York. She was head of her own independent media relations firm.

GRP Records in New York promotes **Beth Lewis** to senior director of promotion and **Marshall Lamm**

to manager of publicity. They were, respectively, national director of NAC promotion and publicity coordinator.

Warner Bros. Records appoints **Ife Kiara** director of artist relations, black music division, in Los Angeles and **Winston Burns** manager of artist relations, black music division, in New York. They were, respectively, manager of artist relations, black music division, at Warner Bros. and Southwest regional representative for Reprise.

**Tommy Boy Music** in New York

appoints **Gabrielle Smith** director of A&R, **Albee Ragusa** director of A&R, **Audrey LaCatis** director of media, and **Darrick Warfield** head designer of Tommy Boy Gear. They were, respectively, director of A&R at RAL/Def Jam, director of marketing for Tommy Boy, director of R&B publicity for Arista, and designer, product development, at Oaktree clothing stores.

**Paul Ramey** and **Brian Bacchus** are named co-heads of Groovetown, a new RCA label, in Los Angeles. They retain their respective titles of

RCA national director of jazz and progressive music and RCA national director of A&R for jazz and progressive music.

**RELATED FIELDS.** Sony Wonder in New York appoints **Joanne E. Singer** senior director of marketing and **Karen Grace-Baker** director of marketing. They were, respectively, director of children's marketing at PolyGram Video and director of marketing, children's programming, at the Walt Disney Co.