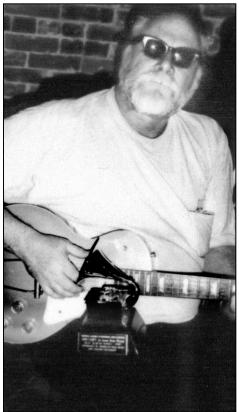


# John Fahey 1939-2001



John Fahey '97

hev '97

ohn Fahey was a giant influence on the cultural development of America. He was the first performer to expand American folk-blues melodies into a concert style similar to Segovia that is, one man, one guitar, and one grand vision that encompassed the spiritual essence of Delta Blues, cosmic folk, and classical music. Chants, Breakdowns, and Military Waltzes, I asked, "Who are these two guitar players?" I pictured a couple of 50-year-old masters whose vision of music and spatial technique reminded me of pianist Glenn Gould. Here was a performer who carried his genre to a higher level, whose probes were deeper, whose vision was wider,

## "Here was a performer who carried his genre to a higher level, whose probes were deeper, whose vision was wider, whose understanding of the universe was more complete and profound than any before him."

Without John Fahey, there may not have been a Windham Hill label of acoustic guitar masters. There would have been no Takoma label, which featured John's first seven albums and more. There may not have been a Music Millennium... certainly not as we know it. It was John Fahey's music that inspired the Millennium founders to open their little Portland record shop back in 1969. In October of that year, Music Millennium produced the first of many John Fahey concerts.

When I first heard John's album Death

whose understanding of the universe was more complete and profound than any before him. John gave us the same kind of breakthroughs that we got from Debussy and Stravinsky. It may not have been possible without him.

It's incredible that so much talent was brought out in a guitarist in his twenties from a little town in Maryland. John was very human. He had an astonishing humility for someone so gifted. All of us in the music community will miss him... a lot!

—Dan Lissy

#### 2

#### FINGERED

That was a pretty heavy story the Jam Magazine guy told last month in your Letters column. One of his writers getting a broken jaw for a badrap? (Jam Writer Assaulted). The fingering of Diver Dan was a pretty ballsy response to demonstrated thugery. I applaud Chris Gattman for writing it and Two Louies for printing it.

photo: Tim Knight

-Dave Stanford

#### AGELESS

Dear S.P. Clarke,

Your probably remember, (and I'm quoting you here), "the ageless Arthur Beardsley" eh? Well, I'm still alive and kickin'!

I just got done reading the first three installments of your History of Portland Music. Well done! I'm looking forward to the rest of the story.

Anyway, I'm still at it. The band changed its name from Civilization (a cumbersome, moderately pretentious moniker at best) to Veneer. With ex-45's/Crow guitarist Michael Dion and Paul Barrall, former drummer for Age of Rain, Veneer takes on the Portland music scene again. Just fresh from a resounding show at the Mt. Tabor Theatre, Veneer plays next at Satyricon on Sunday, March 4th. Again we will be headlining the show with support acts GBHC and the Kilowaves. Who said you can't go home again? Then on So there are plenty of venues and times for you to come check out the new and improved sound.

LETTERS

For further info about Veneer, visit our website: www.veneerband.com. To email the "ageless one:" thx1138@teleport.com. Hope to see you there!

—Arthur Beardsley

"In the beginning, when Audrey VanBuskirk got the whole thing going, there was hope. The first few years we all went to Austin and it was actually magical and filled with great fun. But soon after, it was clear that planning and inclusion were not on the agenda."

Wednesday march 7th we return to the Mt. Tabor with Evolver and Switch. The following week we will revisit the Ash Street Saloon on Tuesday march 13th, again with Evolver and Switch. Sorta like a mini Lollapolooza tour kinda.

#### NORTH WURST

Dear Editor,

continued on next page

It comes as no surprise that NXNW

## LETTERS

continued from previous page

failed. I'm relieved and have no hard feelings toward Texas or the WW, but I do like the idea of getting in a few choice words about the whole ill-fated saga.

I believe the main thing wrong with the festival was that Texas never cared to understand what Portland was about. From the start, they had this notion that they were the big boys and we were something less or smaller than. misgivings about the Texans and was completely frustrated with the WW for not being able to get a handle on the festival, or making good choices that helped the artistic community.

Texas never made an effort to include many Portland people in the planning stages and it was obvious that their respect for us was minimal. In the end, NXNW was hated and dismissed by the majority of the music com-

## "I think the WW and SXSW have a lot in common. They both have superior attitudes, coupled with non-creative people who don't have a clue about the music scene in Portland, or take a passionate interest in anything more than their own drama."

That's how all Texans view the rest of the world. Texan's are raised to believe that they're better, brighter, and the best. They are also taught to celebrate all that's big.

I noticed the Willamette Week was kind enough to except some of the blame, but they did not except enough. I'm not sure the WW will ever cop to the fact that they never got any part of their commitment out of the gate in a timely matter. WW never invested any kind of clear commitment to the festival, or hired anyone with brains who was interested in helping. Everything was done at the last minute and done cheaply.

The fact that the music industry has been in decline and that Texas never understood that Portland's music scene is completely entwined with the literary and performing arts, was something they refused to acknowledge. Portland is an incredibly creative community. The scene is hard to categorize, pigeonhole and predict, and although Portland does not have a 6th Street like Austin, Texas, it does have spirit and massive talent. The Texans never ever took a liking to our fair city. They just thought we were all weird.

In the beginning, when Audrey VanBuskirk got the whole thing going, there was hope. The first few years we all went to Austin and it was actually magical and filled with great fun. But soon after, it was clear that planning and inclusion were not on the agenda. I remember the third year when Audrey was apologizing daily for delay's and indecision. Her job seemed to be the general covering of asses. I remember her telling me she had munity. The gap between the music scene, the Willamette Week, and Texas just got wider and wider. I'm not sure about last year, but I knew that there were a few big blowouts between the WW and Texas. The buzz about NXNW had decreased to a mere whimper. I felt bad for the few troupers who invested a lot of energy to make it work, but mostly I was gleeful that the long, tall, Texans and WW were losing money.

I think the WW and SXSW have a lot in common. They both have superior attitudes,

just a weekly yarn on how to yell at people during meetings. Yawn, yawn, and yawn! —*Robin Hoffmeister* 

#### HEADS UP

Dear Editor, CAUTION: USE PROTECTION IF YOU

NEED TO WITHDRAW YOUR MEMBER! This is a letter to inform all new bands out there to be carefull when a member either leaves your band or gets the boot. It is in no way to be intended for trashing a former bandmate and should be a good heads up for most of you.

A member of the band Barbarella recently left to play in a band called Honey Ryder and has been nothing but trouble to his old bandmates. First off he left with no notice which raised some questions needing to be answered.

Barbarella reacted by calling everyone affiliated with helping out the band in the past. The reason for this was to protect themselves in case the former bandmate wanted to make up stories of the band not being together anymore. It was a smart move, a few days after he had left Barbarella recieved a threatening call from him for informing Jagermeister of the change, wanting to move the account over to Honey Ryder. His next move was deleting Barbarella's website and blocking off any incoming emails. Barbarella will be getting everything back now that they

## "When someone walks away from the band, they leave everything behind. Would your job let you keep a key to the front door if you were fired or left without any notice?"

coupled with non-creative people who don't have a clue about the music scene in Portland, or take a passionate interest in anything more than their own drama. Texas and the Willamette Week are guilty of thinking the bottom line is hard, cold, cash.

I hear that WW is gonna make it up to the city by heading up a small task force to put on a festival called PDX. Perhaps Mark Zusman still hasn't learned his lesson. I hear he's again using someone completely uncreative to do a job that he probably doesn't want, and is not capable of doing well. Oh well, maybe Zusman will give up another piece of prime real estate in WW, like a column. Wow! Isn't that novel? It couldn't possibly be devoted to fat girls, blacks or queers. That's been done to death! Maybe know what really happened with the band.

Overall, my point is to watch out for yourself and make sure to keep only your name on all of your accounts (sponsors, internet deals, etc.), don't let someone who joined the band after it is already established have just as much responsibility like Barbarella did. When someone walks away from the band, they leave everything behind. Would your job let you keep a key to the front door if you were fired or left without any notice? I think not!Again, this is in no way a personal attack towards the former Barbarella member, we wish all the best to Honey Ryder and hope one day the two bands will get along in the near future!!

*—Members of the Band Barbarella* 

# **LETTER FROM NEW YORK** by Dennis Jones Everclear: The Palesta, University of Rochester, New York State, February 1, 2001

clear, cold, February evening on a major Eastern Ivy covered campus. (Huge Kodak & Xerox endowment) This eager Two Louies East Coast rep motors easily through rush hour traffic, \$1.75 parking fee paid. I find the mighty fleet of tour busses. Wow, first gig on a major tour. First one in three years.

As I round the front of a tour bus there is Art Alexakis, legendary music promoter, businessman, interviewee and singer/ songwriter/ guitarist/ band leader. With him are a few road crew types. I flash the February Two Louies and Art sez:

AA: "Two Louies!"

- **2L:** "That's me, welcome to Rochester." (Art takes the issue and looks at it.) "I'm Dennis Jones and I'd like to talk with you.
- AA: "I've been on the cover of this magazine 30 times and they've never talked to me."

TL: "That's why I'm here."

(Art gives me back the issue and walks away.)

Stage Manager Guy: "Let me see that, where is the Everclear story? (I point out Turntables) "That's it?" How come you guys put a cover on and no story inside? "Who writes this?"

**2L:** "Buck"

SM guy: "Oh."

Shit, Art jumps into a van with 8-10 opening act types, PR types and various back stage/all access types.

senior VP at Capitol.

AA: "Verago" (an upscale Rochester restaurant)

## "AA: 'I've been on the cover of this magazine 30 times and they've never talked to me.' TL: 'That's why I'm here.'"

2L: "Do you think Greg or Craig would like to talk?"

SM guy: "No."

I'm not feeling too confident so I back off a bit and turn to the power guy and ask him about his truck.

2L: "How's it goin'?"

- **P guy:** "I hope they use more power, they only drew 100 amps at sound check."
- 2L: "Oh?"
- **P guy:** "Yeah, they ordered 600 amps, so I brought 800 just to be safe."

2L: "Oh."

**P guy:** "Yeah, they didn't even sell out." **2L:** "Oh."

2L to Stage Manager guy: "Where you going next?"
SM guy: "To take a shower."
2L: "No, I mean concert."
SM guy: "I don't know."

Geez, puleese, I'm dying here, my rent is due on my 44 long, custom, first edition, Two Louies letterman's jacket with real leather sleeves. My interview boner is going un-dente. I spy another crew type.

**2L:** "Hey, what happened to your thumb?" (Turns out he's the sound guy. I see the name Andy on his pager.)

**Sound guy:** "Load out last night, I had a main jammed into it, I was in the truck."

2L: "Ouch, I hope it's not your power hand."
S guy: "yeah, it is, I hope I don't bump the faders on my cues."
2L: "Are you from Portland?"
S guy: "Yes."
2L: "Do you do house sound?"

photo: Capitol

**S guv:** "Yeah, at La Luna."

**2L:** "Hey, how did Craig get in the band?"

**S guy:** "He answered an ad.

**2L:** "In Two Louies?"

- **S guy:** "The Rocket, maybe Willamette Week."
- 2L: We have free ads here, put your ad in a box at Portland Music. Who dig Greg play with?"

S guy: "Jolly Mon, can I see that issue?"

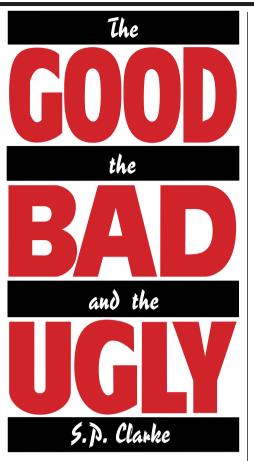
2L: "Sure, you can have it."

**S guy:** "Huh" (Hands back the Two Louies.)

There I am, standing alone, the wind picks up. I'm standing in front of a huge hospitality room, no one is there, a few more crew guys walk past me with plates of road food, they enter the bus. I read the stickers on a trailer with California plates. It must be Volcanic or Nickleback (The other bus had Canadian plates on it.) I'm shivering. I head back to my Two Louies east coast cabin and file this report. At least no one told me to piss off.

2





#### **COM PLEX—HELIO SEQUENCE** *Cavity Search Records*

Probably the hottest new band to hit the local scene in the year 2000, was this enterprising twosome. The duo cites the Beatles melodicism and the 'wall of noise" approach of bands such as My Bloody Valentine as influences. Judging from this, their first full-length outing, those assessments seem pretty much on the money. Guitarist Brandon Summers handles the vocal duties, while drummer Benjamin Weikel adds keyboard flourishes. Together they produce and engineer their dense compositions, creating a thick sonic atmosphere.

The lead track, "Stracenska" illustrates their technique. Summers' crusty guitar feedback swirls around Weikel's flutey keyboard washes, burying the vocals in the mix. After about 3 minutes, things simmer down a bit, recalling U2 in their Rattle And Hum period, as the subdued before ineffably disappearing back into the sonic haze. Very nice.

Dithering keyboards dominate "Sassafras," as waves of guitar and other keyboard noises crowd the landscape, rolling over the horizon like a driving rainstorm. A truly inspired, ethereal track. Vocals singing in rounds create a lilting quality on the brief "Stitches Sewing," a keyboard dominated track. But the song ends too soonbefore it comes to a ,proper musical conclusion.

## "Brandon Summers and Benjamin Weikel, prove themselves to be astute students of the realm of Psychedelia, which maintains the Beatles, Jimi Hendrix and Brian Eno among the sainted in its league of shining knights..."

vocals become more upfront. The psychedelic romp 'Just Mary Jane" bubbles like a warm bong, while proselytizing the merits of the bud. Dancing organ pads, warbling flute arpeggios and other synth miscellany skip across the syncopated shuffle rhythm, fleshed out by Summers' shimmering guitar musings.

"Transistor Radio" begins with the familiar scan of a radio dial, before dissolving upon a keyboard drone, pulsing bassline and luxuriously cascading slide guitar, before finally evolving into Beatlesque psychedelia, replete with Ringo-like drum fills and fresh-squeezed Lennon vocals. A quite affective George Harrison-influenced guitar breakdown in the middle helps to solidify the whole track. The droning wash of sounds at the beginning of "My Heart" sets the mood, before launching into the two-chords of the verse. A gorgeous chorus gently sneaks into the mix,



Lily Wilde has the music in her heart

photo: Lil Tom Tom Inc.

HS's take on the Beatles' "Tomorrow Never Knows" is reverent (Weikel's drumbeat is a replication of Ringo Starr's original), but unique. The group speeds things up a notch, lending the thirty-five year old tune new energy, but not necessarily anything new musically: which only goes to prove how groundbreaking the original 4track recording was in back in 1966, when Summers' and Weikel's parents were youngsters.

Synth sounds and effects set the scene on "Big Jet Sky" before Summer's guitar charges in, along with Weikel's drums, noticeably thickening the drone stew. The boys get a lot of mileage out of a single chord, manipulating that fixed continuous tone with dexterous imagination.

An ambiance similar to those created by Radiohead on Kid A, informs "Demographics." Randomly pitched sine waves vie against discordant organ tones in support of a lilting guitar motif, before it slams into a highly charged, moaning guitar riff; resolving in a dramatically serene verse. Then the heavy riff becomes part of a very pretty, memorable chorus. The pick for the single of this album, without a doubt.

Brandon Summers and Benjamin Weikel, prove themselves to be astute students of the realm of Psychedelia, which maintains the Beatles, Jimi Hendrix and Brian Eno among the sainted in its league of shining knights; and adept as innovators- brilliantly crafting for themselves here, a distinct sound of their own. On the basis of the wonderful "Demographics" alone, it is plain to see that Helio Sequence have before them a very fortuitous destiny, indeed.

As to how they may evolve is hard to say. One can only wish them well in their musical journey and hope to hear the results of what they create along the way. However, the possibility that the pair might have an album in them that could sustain the emotional magnitude of



# Licensing Music for Film, Television & Commercials

henever a producer of a film, television show, or commercial wants to use music in a project, there are two different kinds of licenses which normally come into play: (1) A "Synchronization License" and (2) A "Master Use License."

The Synchronization License. The producer of a film, television show, or commercial must always obtain the written permission of the owner of the underlying song, which as a general rule is the songwriter or the songwriter's own music publishing company, assuming that the songwriter does not have a publishing deal with an outside music publisher. However, if there is a publishing deal in place covering the song at issue, then the owner of the song is normally the music publisher.

This permission which must be obtained for the underlying song is called a "synchronization license." Here we are not talking about a particular recorded version of a song, but instead, only the underlying song itself.

The terminology here can get confusing. But, to make it simpler, let's take a situation in which a song has been written by a songwriter named Joe A, and the music publisher for the song is B Music Company. Let's also say that three different bands have each recorded their So, if the producer of a film, television show, or commercial wants to use Band A's version, then the producer must obtain a master use license from the band (if the band is unsigned), or, if the band is signed, then from the band's label. Common "Synchronization Licensing" Issues

There are many issues which may arise whenever a synchronization license is being negotiated between a producer of a film, television show, or commercial, and the publisher

## "...the band's recording contract may very well contain provisions requiring the label to obtain the band's approval before allowing the band's music to be used in a film, television show, or commercial..."

(Bear in mind, though, that even when a band is signed, the band's recording contract may very well contain provisions requiring the label to obtain the band's approval before allowing the band's music to be used in a film, television show, or commercial.)

The comments above, concerning the producer's obligation to obtain a master use license, assume that the producer wants to use an already existing recorded version of a song. However, there are situations in which the producer may want to have a new recording made, i.e., as a newly-recorded "work for hire." Sometimes, this happens because the producer

"The producer of a film, television show, or commercial must always obtain the written permission of the owner of the underlying song, which as a general rule is the songwriter or the songwriter's own music publishing company..."

own separate versions of the song, and let's call those bands X, Y, and Z. In this situation, the synchronization license is obtained from the B Music Company, regardless of which recorded version (i.e., X, Y or Z's) will be used.

As for the permission which needs to be obtained for the specific recorded version which the producer of a film, television show, or commercial wants to use, that's called a "master use license."

The Master Use License. A master use license needs to be obtained by the producer for whichever recorded version is going to be used.

cannot obtain the necessary band and/or label approvals, and sometimes it's because the already existing recorded versions do not fit the project for one reason or another.

In any event, whenever the producer is having a new version recorded as a "work for hire," the producer does not need to obtain a master use license, since the producer is not going to be using a master recording owned by someone else. But, even then, the producer still needs to obtain a synchronization license from the music publisher of the underlying song. which owns the underlying composition.

Some of the main issues are: (1) The length of "the term" of the license (i.e., how long the license will be remain in effect for); (2) The scope of the territory (i.e., the geographical area in which the producer can use the song in his or her production); and (3) Whether the producer will have exclusive rights to use the song, or instead, whether the publisher can give other producers the right to use the same song at the same time.

#### The Term

1. Theatrical Films: The term is generally for the "life of the copyright" (in other words, the license will last as long as the song is protected by copyright law).

2. Television: Sometimes for 2, 3, 5, or 7 years, or, currently much more common, for the "life of copyright." (There's been a rapid trend toward "life of copyright" in recent years.)

3. Commercials: Typically an initial term of anywhere from 13 weeks to one year, often with the producer's right to renew for another equal term upon payment of an additional licensing fee (which might, for example, be 125% or more of the original fee).

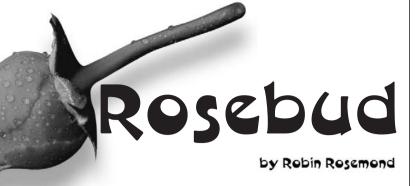
#### The Territory

1. Theatrical Films: Typically the territory is "worldwide."

2. Television: It used to be that the territory was usually limited to certain countries. Today, most often, "worldwide."

3. Commercials: Local, regional, national,

continued on page 15



Hello Two Louies readers! What about those Grammy's? I thought it was a good production and Jon Stewart did a good job as host. That Madonna can still kick it and when she arrived on stage in the limo, we got a good shot of Mirwais spinning the discs down stage. Madonna thinks his stuff is the future of music. He produced three of the songs on Music, and now his own record will be in stores the 27th of February.

I called ZigZag to see if Tony and Diana Demicoli's bundle of joy had arrived. Peter Feher was house sitting for Tony and Diana's cat's, and he told me that Savannah Maria; a 6-pound baby girl was welcomed on to this earth! Savannah is a Pisces with Aries rising and an Aquarian moon. Look out Tony, you got a powerful beauty on your hands. Feher added that he was taking a break from the sold out Bon Jovi tour, but would soon be heading out for another leg. Peter's such a great guy. Last year at Rose Festival he really stood up for me when I was slugging it out at the Waterfront.

Producer Nicholas Hill is working as a DJ on New York City's WFUV (90.7 FM). He's been filling in and his shows can also be heard on the web. Another celebrity DJ that WFUV has on the roster is Vince Scelsa, who hosts Idiot's Delight, which airs on Saturdays. Scelsa, a founding DJ at the legendary noncommercial WMFU in East Orange, New Jersey made a name for himself with his free-form radio. global warming. Poet and actress Marjorie Sharp is visiting her as we speak, and they are going to see Jim Cuomo play in a Paris Café on Marjorie's birthday. on their relationship. Wow! It's nice to be powerful, but seriously folks, what is that all about? People love to play that blame game. I hope Rossi finds it in her heart to forgive me for something I didn't do, and I wish her all the luck in Los Angeles where she's staying with Carl Abramovic and plotting her next move. Thank goodness my cats still love me, or do they just want another pet?

I saw the beautiful Karen Donovan from Space Media. She's expecting a boy! Congratulations! Her six-year old Lena, who looked delightful in her flowered black boots, is looking forward to a little brother. Karen has been working on "The Originals Tour" promotions. They sent out a respectable package and I think the idea for the pilot is a good one. McKinley as the host is no slouch, and I thing if they ditched the guys and went at it with just the talented women in different cities, they could pitch it to Oxygen. (The network for women).

I recently spoke with Mark Bosnian. He sounded great and I remember that the last time I saw him



Nicholas Hill, Heidi Snellman and Rosebud @ SxSW

"Peter Feher added that he was taking a break from the sold out Bon Jovi tour, but would soon be heading out for another leg. Peter's such a great guy. Last year at Rose Festival he really stood up for me when I was slugging it out at the Waterfront."

His legendary style of no playlist, lot's of talk and featured guests, garnered a devoted following. Scelsa can also be heard three days a week on Live at Lunch (liveatlunch.com), an Internet variation of Idiot's Delight.

Penny Allen is back on radar. She's been living in Paris ten years now, and is working hard on her new book. She's organizing an international conference (for the third time) on the integration of environmental considerations into industrial practices. It is Dec 3, 4, 5, 2001, called ECO 2001, and one major theme this year is the individual car in a future of

#### What a small world!

I'm in hot water with Melissa Rossi. She's got it on her head that something I said at a party in Portland effected her relationship with Vanity Fair writer, Nick Tosches in New York City. The events in question revolve around the Rolling Stone Christmas party, the famous downtown watering hole called The Lakeside Lounge, and the amount of partying Melissa participated in with Peter Wolf and Tosches. Anyway, I guess Nick was not returning her calls, so she deduced that it must have been something I said to Richard Meltzer here in Portland that put the brakes he was back stage waiting to see none other than Courtney Love. He was there to help her warm up her voice for the disaster tour of Marilyn Manson and Hole. Mark is working on a book titled, Don't Just Sit there Sing! He's been a vocal coach for quite a while and has traveled as far as Rio to participate in seminars about signing technique. He's putting together a band with some great talent including Tim Ellis on Guitar, Leah Hinchcliff on Bass and Nancy Breaux on Drums.

I had dinner with Janeen Rundle from Sony Music, Heidi Snellman and Colleen Siegfried who told me a few tidbits about some upcoming nuptials. The beautiful and talented Paola LaMorticella is tying the knot with Scott Fox, Zia McCabe is engaged to Travis Hendricks and Bridgid O'Connor (who's name I spelled wrong last month. Shame, shame and twenty lashes.), is engaged to European hunk Jacques Von Lunen, a sound engineer who's been on the road with No Doubt.

Write to me: rosebud@teleport.com

# Digital Rights Management

I not the past year or two the term "Digital Rights Management" has become a buzzword among publishers of every ilk who intend to use the Internet as a means of distribution. It sounds like a legal or business term, but in fact it is a technology poised to come of age in the very near future. The purpose of DRM is to provide a means for publishers, known in Internet jargon as "content owners," to control the distribution of electronic files once those files are purchased by a customer, or in Internet jargon "the end user."

In everyday terms this would be akin to encrypting the songs on a CD such that copying the CD onto a cassette, another CD, or a computer hard drive, would be impossible without some sort of "key." Each time a copy of the original CD was to be made, the recipient of the copy would have to purchase a new "key" from the publisher. In this way publishers can protect their content from copyright infringement and situations such as the Napster debacle will become impossible.

#### How Does It Work?

DRM is a combination of software programming and hardware identification based on a programming language called eXtensible Rights Markup Language, or XrML for short. The language contains the elements necessary to insure copyright protection and proper payments to those involved in the creation and distribution of the electronic files. Besides effectively locking the file to protect it against unauthorized distribution, it will be able to track all payments from the initial purchase to royalties to everybody in between.

The writing of the DRM encryption code is handled by a company dedicated to the task, in the same way a recording studio is dedicated to recording music. The publisher of the electronic files decides what specifications will be included in the encryption. These specs can be very complex, such as automatically "capturing" information from the end-user's computer hard drive and internet provider, to tracking micropayments, to something as simple as keeping the file locked until payment has been received.

In some instances, the encryption will be able to work in conjunction with the physical pieces of the computer. The "key" to unlock the electronic file may be the name of a particular hard drive, so that the file cannot be accessed if it resides on a different hard drive or disk. Or, it may collect information about the purchaser's computer such as processor speed and platform.

Encrypting a file with DRM technology changes the audio file's format. From what I could find so far, it seems that each company offering DRM protected audio files also requires the user to download their particular software to play the files. There doesn't appear to be a standard DRM file format as of yet, although this may come in time. A company which offers DRM encryption services may So far it appears that all of the Majors are working with a company called InterTrust to develop encryption services for online distribution. It will be some time before this is readily available however. The first Major Label distribution may appear at America Online, considering AOL's recent merger with Time-Warner.

by Paula Hav

#### What's It To You?

Of all the people who can't afford to have their music passed around for free, it is the independent label or musician. Fortunately there are

## "Of all the people who can't afford to have their music passed around for free, it is the independent label or musician. Fortunately there are already several good internet distributors in place who can bring DRM to an independent's digital efforts."

untangling th

develop its own audio-playing software, which will be able to play its clients' files, but not the files encrypted by a different DRM company. Imagine having to purchase a Sony CD player to listen to Sony's artists; a Universal player to listen to Universal artists, etc.

#### Large Scale Development

DRM technology is still in its infancy, and therefore isn't in widespread use as of yet. One company, Creative Inc., is using DRM in conjunction with a Windows-based portable audio file player, encoding Windows Media formatted files to protect from sharing among users' computers.

A French company called Zoomzic.com has partnered with Digital World Services (a member of the Bertelsmann AG conglomerate, whose music division is BMG, who joined forces with Napster last October) to develop the world's first DRM subscription-based music service. Users will pay a fee for a set amount of music per month. The music they access will be protected by DRM technology, so sharing the files they download will not be possible as it currently is on most sites who offer music downloads.

Another company, Triloka Records, has partnered with a DRM provider called J. River, to make its 2000 catalog available as DRM-protected files. They will be selling their tracks at \$.99 each. already several good internet distributors in place who can bring DRM to an independent's digital efforts.

One company who has been doing this for several years already is Liquid Audio. The company was founded in 1996 and is currently the leader in distributing copyright-protected music files on the internet. They don't list their prices, but their process works like this:

You download their mastering software, called Liquifier Pro, which you can use to turn your recordings into Dolby Digital AC-3, AAC, MP3 or Windows Media formatted files. During this process, Liquifier Pro embeds an inaudible "watermark" into your files, which allows ownership tracking. Your files are also encrypted so that they can only be played by an "authorized listener"... i.e., the person who paid up.

Once your files are properly formatted and encrypted, they are uploaded to Liquid Audio's server. Liquid Audio claims they currently have over 100,000 individual songs in their database, all of which are tracked and encrypted to insure proper payment to the deserving parties. You can then use their server as a storehouse for your music files, while you set up access to them from your own website, or other internet promotion channel. Potential fans will be able to listen to a snippet of your music, which is free and not downloaded to their computer as a file; or, they

continued on page 16



"Demographics," hovers like an angel above the band. And that potentiality is certainly enough to compel most to want to watch closely in the future the progress of Helio Sequence. guitar/sax interplay in the verses. Cool. The former ensemble ensures that "Matter of Time" too hits a funkier stride, with Talley's twin sax section livening up the proceedings. A memorable chorus helps the song, as well. The group adds the Funk to the droll, Cake-like rap of "Drive Me Distraction," as well as the rockier "Dream Day." The heavier sound displayed on "Tomorrow" seems to predict what Copeland and Talley explore further with Ollis and Kay.

Ollis and Kay prove they are capable of the

"Pale Green Pants, is the most accessible band in which Copeland and Talley have performed. The recording is sparse, as if recorded on 8-tracks, with the sense that the band tried to make every track count, without adding so much that they could not replicate the sound on the live stage."

#### PALE GREEN PANTS—PALE GREEN PANTS Self-Produced

Veteran guitarist/vocalist Mark Copeland has spent nearly a decade in the local trenches, first with Dashboard Mary and Funknot in the early '90s, then with the Furleys in the mid-'90s. Mark Talley met up with Copeland in the Furleys after a tenure as sax man for Funk 'n' Judy, something of a sister band to Funknot. Here they are joined by the rhythm section of bassist Tom Kay and drummer Ken Ollis, both alumni of PSU's Music program and pianist Darrell Grant.

Those Funk roots show up from time to time on this project, but much of Copeland's music is more closely aligned to Rock, perhaps along the lines of Lenny Kravitz. Slightly retro, but with enough hooks and variety to keep things musically interesting. Part of that is due to the fact that Copeland and Halley recorded five of the dozen songs presented here with another band, The previous band, drummer Gene Ermel, bassist Rob Schreconcost and guitarist Eric Flagel, while having plenty of chops of their own, cannot match the subtlety Kay and Ollis demonstrate.

"Turn Around" turns on a fairly Funky beat, a sort of Dave Matthews sort of number, decorated nicely by Copeland's sharp vocal harmonies in the choruses, augmented by Talley's sonorous sax work. Ollis and Kay again set up a smart rhythm on "What Do You Need," a fairly straight ahead Rock tune. Again tight vocals in the choruses add to the effect, as does a familiar guitar theme in the verses. "Reason" shows potential with a nice blend of the guitar and sax in the verses.

The old unit is featured on "Everlasting Embrace" and they funk it up a bit more than their successors, with more nice, Steely Dan-ish Funk on "Power Trak," and layer a more Jazz oriented feel to Talley's "Pray Here." Ollis, especially, deserves mention for his deft cymbal work in the verses. Probably the strongest song of the dozen is "Between Us," a melodic piece of ear candy. Over a tantalizingly artful rhythm section, Copeland weaves a fine brocade of words and music. Copeland breaks out the acoustic guitar on the last track, Talley's "Dinner Party." Without further accompaniment, Copeland carries out proven that she has the music in her heart. The daughter of Jazz composer Calvin Jackson, she has the music of the '40s and '50s in her blood as well. Here, along with her sixteen-piece orchestra, she cuts through a bakers dozen of standards from the golden era of song.

It's a cavalcade of chestnuts: four songs by Buddy Johnson, probably best known as the composer of "Since I Fell For You," the '60s hit for Lenny Welch (which Lily covers here), as well as a couple songs from the pen of one of the masters, Harold Arlen. In addition the band covers songs written by Louis Jordan, Louis Prima and Earl Bostic, among others.

And their versions are impeccable. The sixteen piece big band, featuring some of Portland's best brass and reed players, including trumpeter Gavin Bondy, trombonist Monte Skillings and reedmen Chris Mercer and Danny Schaufler, cut through drummer Tom Royer's smart arrangements with intrepid assurance. Wilde, whose husky alto is down in Cleo Laine's range, has a clear, clean, precise presentation, making up with ubiquitous technique for what she might lack in originality. But she's a very good singer, to be sure.

"Mister Five By Five" is a sparking piece of early jump stylings, nicely captured by engineer Craig Brock of Poundhouse Studios. "Since I Fell For You" is treated more as a Blues, like Nina Simone's treatment, less the torch song version Lenny Welch made famous. Buddy Johnson's

## "Lily Wilde has a portfolio as long as yer arm, with a pedigree to match. Beginning with backup singer duties for the likes of Stevie Wonder and Rickie Lee Jones..."

the number with a sense of restrained urgency.

By far, Pale Green Pants, is the most accessible band in which Copeland and Talley have performed. The recording is sparse, as if recorded on 8-tracks, with the sense that the band tried to make every track count, without adding so much that they could not replicate the sound on the live stage. The songs are memorable and original without sounding too familiar or shopworn, The addition of a keyboard player might be nice for this material. But, overall, this is a very enjoyable recording, by a band with a lot of promise.

#### INSECT BALL—LILY WILDE AND HER JUMPIN' JUBILEE ORCHESTRA Lil Tom Tom Inc.

#### Lily Wilde has a portfolio as long as yer arm, with a pedigree to match. Beginning with backup singer duties for the likes of Stevie Wonder and Rickie Lee Jones in the '70s, as well as an extended stint in Seattle in the '80s, before her arrival in Portland in the early '90s, Wilde has

"No More Love" maintains the Blues attitude, somewhat similar in style to Ray Charles' "Hit The Road Jack." Bondy's blistering trumpet solo lights up the middle break. "Tess's Torch Song" a Harold Arlen show tune is given the full Big Band treatment, embellished by Pete Peterson's stand out sax solo.

Getting a chance to stretch out on the Louis Jordan instrumental "Onion" several members take solo breaks. alto sax man Bryan Dickerson. gives way to Peterson on tenor sax then Stan Bock on trombone. The swinging "Rip Van Winkle" allows Lily to showcase her chops, stacking harmony tracks on top of her lead vocalssounding like the Andrews Sisters, lowered half an octave.

Two more Buddy Johnson tunes follow, first the New Orleans tinged Blues of "Til My Baby Comes Back," upon which Lily presents one of her best vocal performances. Johnson's "Go Ahead And Rock" doesn't really, but provides a





BY DENNY MELLOR

G<sup>reetings Music Makers,</sup>

If you want to make a buck or two playing music in the Portland area, chances are you're not going to do it just playing in our taverns or clubs simply because the club owners are constantly overwhelmed with offers from bands who want to play so bad they're willing to play for next to nothing just to get a chance to perform.

One way to support your creative goals and still work as a musician, is to create and market a separate project that appeals to special events (company picnics, street fairs, private holiday parties, weddings, corporate galas and so on). There is no shame in taking corporate money for a hard days work in the music biz, after all, that money would probably just go towards the purchase of another Lexus, or trip to the Bahamas for some junior v.p. of special events or whatever!

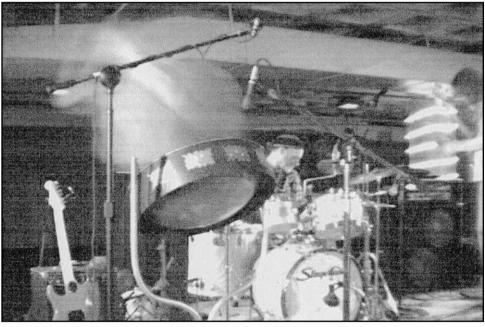
The competition is still a little tuff in this area of the music biz and most agents will draw talent from out of town if the need is there, but chances are Portland will be able to offer several good choices for them to pick from. You can earn \$500-\$1500. So get those promo kits done now and send them off in a hurry, just check the yellow pages for the appropriate phone numbers and addresses and good luck!

Since the focus in my column this month is special events, let my tell you about a gig I you would not know it from the gig they threw last week.

I picked up a last minute reggae band job opening up the festivities in the underground parking lot at the Hilton last week which had around the room like a lazer fight between god and satan and the spots were so hot they were beginning to melt my steel drum. So I decided this was a good time to stroll around upstairs in my impressive Two Louies tour jacket and check out the other talent at this party and to chat with my favorite folks to rap with...musicians.

As I strolled from room to room and exhibit hall to exhibit hall, I was continually knocked out by the elaborate preparations that were made for this event. Each room was more impressive than the other. Each room was supplied with stage and sound for the bands. even the smaller satellite venues. One came complete with a working volcano!

Among others the entertainment included Michael Harrison, Curtis Salgado, Generator, Cindy Young and Stephanie Schneiderman. The Band I worked with was called Carnaval featuring Jay Harris, Fred Garner myself and, my pick



Denny Mellor; a blur at Intel

been converted into an elaborate black light, robotic color spot, surrealistic cave like psychedelic thunder disco, gaming boards and waiters in black tie and tux serving salmon, prime rib,

## "Intel just threw one of the biggest company parties seen in this town. If things are going poorly for this local mega-chip conglomerate you would not know it from the gig they threw last week."

just did at the Hilton downtown. Ten bands and a Rave!

Intel just threw one of the biggest company parties seen in this town. If things are going poorly for this local mega-chip conglomerate fine French pastries complemented with "coke in the can?"

I had to quickly get off the stage after set up because the blinding robot-disco lights had some how gone out of control and were swirling music hero of the month, Portland reggae monster Newell Briggs. You might know Newell from such bands as Dub Squad and the Instigators among many others. Along with working in music Newell has been using his gift of creativity and his calm, lovable good natured spirit in our overburdened educational system teaching, as well as performing in the Young Audiences program. But the real good news is that Newell just landed a great job working at the new community Youth Opportunity Center in the old NIKE outlet store on MLK blvd.

From the sound of it Newell's well deserved kharma-reward actually comes with a real decent paycheck and all the extras that most musicians never see. GOOD JOB NEWELL!

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## THE GRAND OL' SOAP OPRY

#### History.

When Two Louies was about a year old **John Fahey** was the biggest breaking story in the Oregon original music community.

By the time Fahey moved to Salem in 1981 he had undergraduate degrees in philosophy and theology from American University in Washington D.C. and a master's in folklore and mythology from UCLA. He had ruled the Berkeley folkie scene as a guitar soloist. Quirky and innovative, he was known to be the leading finger-style guitarist in the country. In Berkeley he promoted the 60's blues revival with his label **Takoma** Records by re-discovering old artists and finding new instrumental superheroes like **Leo Kotke**. Over the years Fahey's Takoma catalog was sold to Fantasy Records.

In the '90s Fahey formed **Revenant** Records to reissue recordings of early blues artists..

During his own career as a recording artist Fahey released over thirty albums. He had just finished recording another with **Terry Robb** at the time of his death.

In 1997 he won a **Grammy** for writing the liner notes on the Smithsonian's "Anthology of American Folk Music". His friends say he was miffed, that after decades as a recording artist, he was honored for literary skills.

Befitting his scuffling legend, Fahey's Grammy was stolen out of the backseat of his car two weeks after the awards.

**Terry Robb** will deliver Fahey's eulogy in Salem, Sunday, March 4th at Willamette University 245 Winter Street East, at the Collins Law Center, Paulus Lecture Hall, room 201. Services from 2-5PM organized by Fahey friends **Tim Knight** and **John Doan**.

#### Pay it forward.

**Stephen Malkmus** is a hot rocker in the national entertainment media – and for a guy that hasn't lived around here that long – getting Portland a lot of good promo.

Entertainment Week's half-page feature review Crooked Reign (2/23) headlined "Tired of pounding the Pavement, Stephen Malkmus follows his warped muse down the road less graveled."

To mud-puddle Portland, home of the super-pickers...

In Rob Brunner's review "Malkmus' disc is full of humor and energy. Backed by a Portland twosome dubbed The Jicks (drummer **John Moen** and bassist **Joanna Bolme**), Malkmus sounds positively jaunty as he tosses off sublime nonsense. This is silly stuff, obviously, but it's a welcome return to the giddy wit that had dimmed as Pavement tried to contort itself into a conventional rock band. It must have been frustrating for Malkmus to tailor his increasingly sophisticated songs to the somewhat limited talents of his sidemen...reportedly, several of these tunes were written for Pavement but scrapped when the band couldn't play them."

"The whole album sounds a whole lot like his old band: loose, tuneful and warm. Classic Malkmus, which really, is all we ever wanted from him in the first place."

Wanted: More Malkmus

The next week's issue of EW ran a music humor feature by Chris Willman titled Easy Ryder, pointing out that "In the rock world, there's one award more coveted than a Grammy or even multi-platinum certification: being **Winona Ryder's** boyfriend."

First came Soul Asylum's **Dave Pirner, Dave Grohl, Beck** and now Whiskeytown's **Ryan Adams.** EW "handicaps the odds for nine candidates in the Ryder/rocker dating sweepstakes". i.e. **Puff Daddy** 2 million to 1, **Marilyn Manson** 5,000 to 1, **Billy Bob Thornton** 450 to 1 Winner, at EVEN odds; **Stephen Malkmus.** 

"Like many a naïve girl before her Winona is bound to believe she'll be the one to get the indie rocker to write sonnets to her instead of Yul Brynner."

They *love* this guy...

Puddletown bummer...

Once again, embarrassed to be from the Portland music industry, thanks to **Willamette Week.** This time for their big time fumble of **North By Northwest.** 

The Texans brought the party reputation and the entertainment industry heavyweights. All Willamette Week had to do was organize the city to play host.

How hard could this be?

Look at it this way. This very month, March 14th through the 18th the music business will travel from all over the world to gather again in Austin, Texas for yet another **South By Southwest**. Music industry leaders like the presidents of Mercury, MCA, Rykodisc, Reprise Rounder, Chrysalis, Virgin, Warner Brothers, Interscope, Capitol-(well, you get the idea), writers and editors and lawyers and artists,-will be all over **Roland Swenson** and **Hugh Forrest** about what the heck happened up there in Portland, with North By Northwest?

Don't mess with Texas.

It would serve Portland right if the Texans kept the name North By Northwest and jumped in bed with the **Seattle Weekly** to do the conference there. After all, the new editor at the Seattle Weekly is **Audrey** 



Keith Schreiner of Dahlia

**VanBuskirk,** who was the editor at Willamette Week during the first three years of North By Northwest..

March 17th Ms. VanBuskirk will act as the moderator of the Austin, SxSW Conference panel "Balancing Local Coverage"...

#### Quippie update.

Showcase Music owner and drummer of the legendary Tiki & The Fabulons **John Chassaign** just back from the NAMM (National Association of Music Merchants) Show at the Anaheim Convention Center, where he says most of the real action takes place in the bar, not on the floor. "It gives you a chance to swap information with other dealers from around the country." Chassaign says the best new product of the show was Fender's new Cyber Twin modeling amp.

Portland Music's **Mark Taylor** agrees with him. "The demand for the Cyber Twin is sensational." says Mark. "I think the Cyber Twin surprised a lot of people. You don't think of Fender as the kind of company that keeps digital engineers on staff. You think of them blending paint to match classic Stratocasters." Taylor says the big price breakthroughs came in digital recording "Roland introduced the VS2480 complete 24 track digital recording studio for under 4 thousand dollars! Fostex just reduced the price of their 8 track

# **D TURNTABLES**



photo: Snyder

#### digital recorder to \$599."

General Manager Greg Duel is out at Clackamas Guitar Center replaced by Beaverton GC/GM Tony Spagnuolo who left that store to new GM Brian Harrison. Brian immediately hired Apple guitar-tech veteran Kent Henry. Harrison is also a veteran of Kelly Howard's Apple corps. "We have about five Apple guys here in the Beaverton store." says Harrison. GC Clackamas just lost Guitar salesman Mike Skill to the road for gigs with his band The Romantics after Burger King's use of their hit "That's What I Like About You" in a new commercial created "a heightened demand". GC Clackamas Asst Manager Smokey Wymer's Monday night battle of the bands at the Copper Penny is coming to a close. Wymer says Everclear is touring with a stage full of Line 6 amplifiers thanks to GC guitar wiz Nathan Anderson of the Salem band Neutices... Smokey says Art is interested in Nathan's band for Popularity.

#### My dog in the fight.

While everybody else was talking **Eminem** and **Steely Dan** for the Album of The Year Grammy, I was pulling madly for **Beck's** nominated lp "Midnight Vultures" which contained a **Buzz Clifford** tune sampled from a 1969 track on his Dot Records solo album, "I See, I Am". Buzz taught me the music business when he hired me to play drums for him in the 60's. In the 80s, Buzz moved his wife and two sons to Portland and gigged locally with the Norman Sylvester Band, and his own band, the Swells.

As a songwriter, Buzz made about 50 grand from Midnight Vultures. Fifty gees and Album of the year would've been sweet.

#### He Hate Me.

Leave it to **Dennis Jones** to get the first **Art Alexakis** interview in Two Louies (See P.5) Dennis was an early graduate of the **Guitar Institute of Technology** in Hollywood and after school moved to Portland to join **Casey Nova's** band. Dennis' work appeared in the first issue of Two Louies in December of 1979.

Dennis now lives in New York, contributing periodic coverage of touring Oregon acts.

In DJ's interview Art says, "I've been on the cover of this magazine 30 times and they've never talked to me."

Then he refuses to talk to Dennis...

#### Clearly.

Art doesn't want to talk to us because we'll ask all those tough insider questions like how come **Brian Lehfeldt** isn't playing drums in the LA band **Volcanic**, which is opening for Everclear now on the road, and scheduled to be the first band out on Art's **Popularity** Records.

The Volcanic drumming gig was held out to Brian after he left Everclear under a legal cloud, charged with assault in Austin, after an Everclear gig in which Brian allegedly assaulted a fan at the front of the stage.

Of his tangle with the Texas authorities Brian says, "They crucified me. When they say don't mess with Texas, they mean it."

Brian says it happened quick ...

"It was a hot day and Art was bitching out the crowd for throwing things at the stage. He got pretty angry and started in on the Texas ego thing and the crowd got angry. I poured some water on a woman at the front of the stage and tossed the plastic bottle at her. This made some people by her mad and they grabbed my leg, and in trying to pull my leg away it was said I was trying to kick her."

Authorities made Brian return for a trial in Texas for Assault.. Brian says Art hired a lawyer and stood behind him all the way. The woman also sued both Lehfeldt and Alexakis in civil court.

"In this whole incident Art didn't do anything

## **BY BUCK MUNGER**

wrong." says Brian. "I was lucky, they let me do my community service in Oregon at the Humane Society, and I love dogs. My community service obligation is just about over and I'm taking a full-time job there."

"I'm not disappointed in the Volcanic situation. I realized after being a hired-gun for Everclear that I had to have a lot more creative involvement. We have a great record coming out on Elemental with TV 616.

Any chance TV could end up on Popularity? "Everclear has gone completely pop. TV is heavy in a way I don't think Art understands anymore."

#### I grew up on Hawthorne.

My grandparents lived at 4437 SE Hawthorne. I used to walk up to the **Mt. Tabor Theater** every Saturday morning for a day full of Cowboy movies, cartoons and serials. I was about eight at the time.

Then a wonderful thing came to the Mt. Tabor; Live Entertainment.

A yo yo contest. Where almost every kid in the theater climbed up on the stage with his yo yo and performed.

Very heady stuff; applause. Especially for an eight year old kid who could stay up there for three full rounds; making it "sleep", "walking the dog" and "around the world". Ba-boom, ba-bing, you're looking into the audience from behind the drums...

It's great to see that landmark of my performing career is still such an artist friendly, happening place, thanks in large part to **Peggy Glickenhaus** who books the room and makes good things happen in the neighborhood. February 24th the Tabor collected 5,000 lbs of food for the Abernathy School Oregon Food Bank Drive. **Higher Ground, Ashbury Park** and the **Countrypolitans** performed. Peggy says they'll be collecting food all during March.

#### The **Dot Commies** Ball...

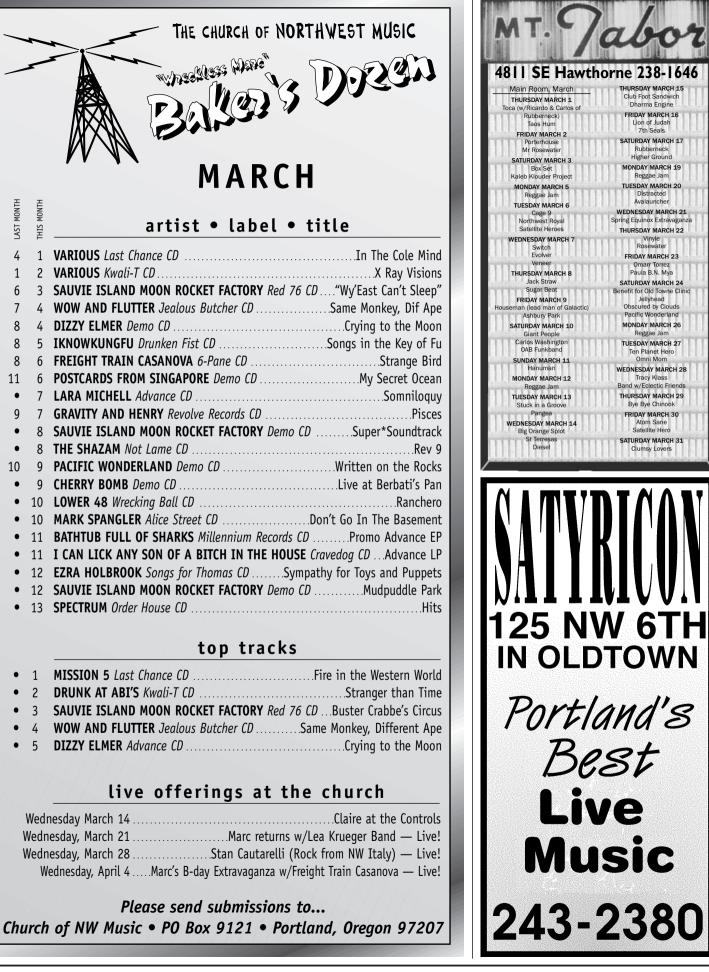
Friday, March 30th at the Melody Ballroom the Software Association of Oregon's second annual **Battle of the Bands** open to "bands with at least one member working a day-job at a high-tech, software or creative services company."

The event will benefit the Oregon Works Teacher Industry Partnership for Software program, which provides free computer and technical training for Oregon's high school teachers.

For info call Robyn Shanti at: 503/624-8647

The Three Rules of the Biz.

Know who helps your career and who hurts it. Know what to ask for. Know when to pass.



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certain countries, or worldwide, i.e., depending on what the parties negotiate.

#### Exclusivity Versus Non-Exclusivity

1. For theatrical films and television shows: Synchronization licenses are almost always non-exclusive in regards to films and tel-

tical to, the synchronization fee charged by the publisher in that same situation.

In some instances, however, the record company negotiating the terms of a master use license may be more anxious (than the music publisher who is negotiating the synchronization license) to have the music used (in order to promote an artist who currently has a record out), and so the record company may be willing to agree to a lower fee than the publisher is willing to accept. On the other hand, I have seen instances in which the record company has required a higher fee than the publisher.

## "How big the synchronization fee will be in any given situation will depend on many factors, such as the degree of public recognition of the particular music involved and the term of the license."

evision shows. If there is exclusivity, the producer will usually be paying dearly for it. Assuming there is no exclusivity, the owner of the song can license it to as many other companies as it likes.

2. For commercials: There may be exclusivity for a limited period of time. When there is exclusivity, it is most often limited exclusivity, limited either to the territory of the license and/or to particular products or industries.

## The Amount of the Synchronization License Fee

How big the synchronization fee will be in any given situation will depend on many factors, such as the degree of public recognition of the particular music involved (for example, whether it was a hit song in the past, and if so, how recently), the nature of usage (e.g., in a film versus a television show versus a commercial, etc.), and the term of the license. Depending on the nature of the production (film versus television, etc), there will be other considerations as well. For example, in the case of a film, there are such considerations as how many times the song will be used in the film (and for how long each time), and whether the music will be used in the foreground (versus the background), or in trailers.

Even when the up-front synchronization license fee is small, there can still be some very substantial public performance monies to be eventually received by the publisher and composer from their performance rights society (i.e., ASCAP, BMI, or SESAC), as discussed in more detail below.

#### "Master Use" Licensing Issues

Many of the issues mentioned above in regards to synchronization licenses are also issues in negotiations over master use licenses.

As for the amount of the licensing fee to be paid in any given situation, the amount of the master use fee to be charged by the record company is often very similar in amount to, or idenSometimes, also, there is a large difference in the fees charged by the publisher and record company because of the fact that there is a small publisher or record company involved which is not very experienced in the licensing area, and which as a result has unknowingly (and unnecessarily) quoted too low of a fee to the producer.

## Additional Income from ASCAP/ BMI/ SESAC for Publishers and Songwriters

When music is "publicly performed" — as in, for example, the case of music which is broadcast as part of a television show— the tions in which public performance income can be quite substantial, and in those situations, the publisher is often willing to accept a synchronization license fee significantly lower than it would otherwise be inclined to accept, rather than potentially losing the deal (thereby losing not only the synchronization license fee paid by the producer, but also the "public performance" income earned from ASCAP, BMI or SESAC by reason of the broadcasts of the television show).

Bear in mind here that we are only talking about the public performance income payable to the publishers and songwriters of the underlying song. The same considerations do not apply to the owner of the master recording of a particular recorded version of the song —i..e., a band or its label. Under U.S. copyright law, the owners of master recordings, unlike the owners of the underlying songs, are not entitled to public performance income for the broadcast of their recordings in the United States. (The situation is different in some foreign countries.)

Therefore, the owner of the master recording's only source of U.S. income from the master use license will be the up-front master use fee which it receives from the producer, since it will not be receiving any public performance income from ASCAP, BMI or SESAC. As a result, the owner of the master recording may feel more of a need (than the publisher) to negotiate to receive the highest possible upfront fee from the producer.

## "Under U.S. copyright law, the owners of master recordings, unlike the owners of the underlying songs, are not entitled to public performance income for the broadcast of their recordings in the United States."

publisher of the underlying song and the songwriter will be earning not only the synchronization fee which they received from the producer, but also "public performance" income from the publisher's and composer's performance rights society (i.e., ASCAP, BMI, or SESAC). This "public performance" income can be very substantial.

Sometimes, however, the public performance income can be very small—for example, when music is used in a cable show. This is because of the low rates which have been negotiated between ASCAP, BMI, and SESAC, on the one hand, and cable networks on the other hand. The fact that these rates are so low has become a controversial issue among many members of ASCAP, BMI, and SESAC, particularly given the fact that many of the cable networks have become lucratively profitable for their owners.

In any event, there are still many situa-

Editor's Note: Bart Day is a Portland-based entertainment attorney in private practice. He is also a partner in ALLMEDIA, Ltd., a company with offices in Portland and Los Angeles. ALL-MEDIA specializes in administering the licensing of music for film, television, commercials, and websites, and represents various record labels, independent music publishers, and Internet companies.

Bart is also the co-author of a chapter in The Musician's Business and Legal Guide, a book compiled by the Beverly Hills Bar Association and published by Prentice-Hall Publishing (New York).

The reader is cautioned to seek the advice of the reader's own attorney concerning the applicability of the general principles discussed in this column to the reader's own activities.



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can purchase your files with a credit card, which they will then be able to download. They will not

peer-to-peer network a la Napster. The difference will be, all the files traded on the CenterSpan network will be DRM encrypted. Users will pay a fee for access to the network, and will trade files

## "Encrypting a file with DRM technology changes the audio file's format. From what I could find so far, it seems that each company offering DRM protected audio files also requires the user to download their particular software to play the files."

be able to share these downloads with other people, and even if the files are recorded onto an analog medium, your "watermark" will still be hidden in the music.

The catch is the usual one: users have to download the Liquid Player, which is free, to listen to music they download from Liquid Audio's server. This is because the DRM encryption renders the files unplayable on standard MP3 players like WinAmp and SoundApp.

#### Here In Stumptown...

A company called CenterSpan, located in Hillsboro, is working feverishly to develop a different kind of distribution for DRM protected files. While Liquid Audio stores files on their server, CenterSpan plans to have a decentralized directly between individuals. The only files available on the CenterSpan network are ones which have been DRM encrypted by the company.

Since things aren't quite up and running yet at CenterSpan, no set pricing structures are avail-

able on their website or among their press releases. They do plan on charging a fee to have material DRM-encoded. This means that if you wanted to release your material into the CenterSpan network, you would have to pay a fee for the initial "wrapping." Once your material is available to users of the network, they will have to pay to access it, meaning you'll see some revenue from downloads of your music files.

With the fate of Napster now in serious trouble, pay-for-play file sharing seems to be the avenue digital music distribution will take. Of course it won't be free, but it does mean independents will have a chance to protect their jealously-guarded copyrights. Sites like Napster will no longer be a threat to anyone, and the artist or label will be able to determine the extent sharing among friends can happen with their music files.

Paula Hay is a graphic designer and internet geek living in Portland. Comments can be emailed to her at 2louies@zodiacdesign.net.

Find More Information About DRM at These URLs: http://209.58.177.220/articles/jan01/TR10\_singh.html www.press.umich.edu/jep/04-03/gervais.html www.nmpa.org/nmpa/expression.html www.adobe.com/epaper/features/drm/howdrmworks.html www.wired.com/news/politics/0,1283,41183,00.html www.liquidaudio.com/ www.centerspan.com/



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smooth showcase for successive solos by Bill Beach on piano, Chris Schell on trumpet and Lew Chapman, whose trombone work truly stands out. Closer to early Boogie woogie/Rock is Louis Prima's "Oh Babe," a sprightly uptempo number.

Wilde's take on the old warhorse "Stormy Weather," is unique, breaking free of the vocal structure made famous by Lena Horne and Billie Holiday and imitated ever since- which is refreshing, to say the least. Lily's reading is closer to that of Etta James. Refreshing too is her lively delivery of "Work Baby Work," a hopping finale to the set.

Lily Wilde and band are authentic and concise in their presentations, certainly a great show band, the likes of which are seldom found anymore. It's certainty that Britney Spears isn't going to break into "Boogie Woogie Bugle Boy" on her next release, nor would it be the greatest career move if she should. But for Lily Wilde, the music fits. It's part of her heritage and she wears it well: like a second skin.

#### THE PRIME DIRECTIVE IS THE GROOVE— THE FREEMARTINS Self Produced

Combining Rock, Funk, R&B and Hip Hop with sometimes strong socio/political ideas in unusual and original ways, the Freemartins evolved from Tilting At Windmills, who had a modest run in the local scene in the late '90s. Here, the band puts its influences to great use, producing intelligent, well-executed music with a distinctive message.

The first four songs, recorded at Sound Impressions, hit the listener with real impact. The remaining eight tunes, recorded at Bargain Basement Studios, still pack plenty of punch, but the "in-your-face" quality of their predecessors is lacking. "Mr. Anderson" kicks off with a swirls of funky horn samples, before the rhythm section of drummer Steve Valente and bassist Eric Luvaas kick in with an insistent Funk thang, as vocalist Skipp Milne precisely delivers his incisive social observations (similar in some ways to the virulent political stance of Rage Against The Machine), a whispered rap.

"Sentimental guillotine, chopping through the menacing cool/Watch the head roll down to the bottom of the hill/It's a fantasy life, including all the fantasy rules/Watch the body subjugated to majority will." Love songs? I don't think so. There's not a lot of romance in "...subjugated to majority will," though there is certainly a degree of truth to the phrase.

The call and response of the Soulful flavored "Clever Little You" allows Milne to explore a different aspect of his vocal personality. Here he sounds more like Rob Thomas of Matchbox 20, as guitarist Tobe Anderson's grizzled lead lines rasp against the cool groove of the rhythm section. Regis Bristol's spot-on background vocals helps immeasurably to enhance the soulful mood.

A fiery guitar/keyboard interplay drives the chorus of "Me Against The World." And Anderson's short guitar solo in the break is especially zesty. A solid song. "No Time" cooks ferociously with a funky underpinning and further guitar virtuosity from Anderson.

"Gone Away" moves closer to a Rock format, a song about interpersonal relationships though from a decidedly oblique angle: "I feel a little sad because the world got torn apart/I guess it couldn't take the strain of revolving around you and the sun/Feels a little strange now that the world got torn apart/I guess it couldn't understand that you were the center of the universe." A strong chorus and further furious guitar work from Anderson, make of this song another winner.

Returning to a more aggressive posture, the band again scores with "We Fall.' Milne's extensive vocabulary lends the material an intellectual depth not always found in the rap idiom. Another powerful chorus helps to lodge the song permanently in the listener's mind.

Cool R&B horn samples drive the frantic " Freedom," a well-developed diatribe aimed at a decidedly visible portion of American society, the money-hungry rich. The acoustic guitar of "That Is Over" could have been lifted from Sublime's "What I Got." But it pushes the song into a direction that is different from the rest of the material. "Devilicious" attempts to move into the heavy Metal arena, with mixed results.

"Pavement" is far more successful, combining shredded guitar riffage in the choruses with plaintive keyboard twitters in the verses to create a soft aural bed upon the which the vocal rap lies. A little like Living Color playing with Talking Heads in early Faith No More. Yikes!

The Freemartins are a tough, tight, cerebral outfit who exhibit a great deal of promise. The variety of styles they display, which oftentimes can act as a diluting aspect, watering down a band's focus, is instead a strength, for the most part, here. Vocalist/lyricist Skipp Milne has a lot to say and the equipment to say it. The band presents an array of abilities and possibilities. It will be interesting to watch where they go from here. The sky would seem to be the limit.

## WE'RE GLAD YOU CAME—MR. ROSEWATER Self-Produced

We last heard from Mr. Rosewater in October. With the recording reviewed there, they displayed a knack for light, funky jazz, but a lack of real direction. Here, they seem a little more focused, but a few of the problems remain as well. Whichever the case, the band seems intent on becoming the Booker T and the MGs of the new millennium.

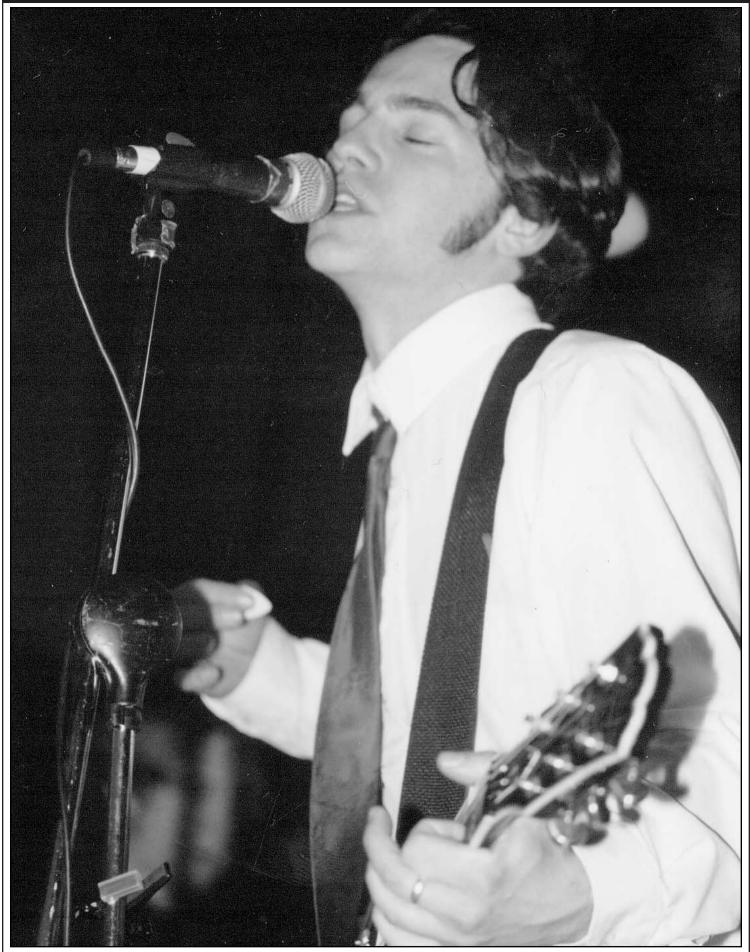
It is difficult to release an instrumental album without a strong melodic presence in the lead. Guitarist Andrew Field is great at setting up the chord progression and getting his musical project off the ground. But he is not yet a lead guitar superstar. Drummer Evan Louden (a graduate of Mourning Tuesday) and bassist Jason Mellow do their parts with solid support, as do guest players: keyboardist Jeff Baxter, percussionist Spencer White and saxman \_ Fendel (who has since officially joined the band in the place of Thomas Smith from the last recording).

But Field seems intent on being the driving force of the band. And, as with the previous recording, that doesn't always work. These guys can really play. Check out "Fire Marshall" where Field really cuts loose with more than a riff or two. Here, aided by Baxter's stellar synth contributions, he takes off for the stratosphere. But even then, one longs for the song to return to a vocal of some kind. Some reference point. But that never happens.

There are a few guitarists out there, such as Pat Metheny, Joe Satriani, Eric Johnson and Jeff Beck to name a few, who can sustain an album by simply going off. But even with their technical expertise, their appeal attracts a limited audience, Their musical palette is reduced. Their choices are limited. Other guitarists, Carlos Santana, Jimi Hendrix, Stevie Ray Vaughan and Eric Clapton among them, have found that they are most fully complemented in the context of a song. Their music is certainly more accessible.

Accessibility is definitely not the end-all or be-all of every musician. Many musicians have their own, individual artistic visions to pursue. With Mr. Rosewater, that vision is not altogether clear. There is the sense here that Field is moving toward something, that ultimately may or may not work, but that he has yet to arrive at his destination.

And so it seems that there is still something missing here. As if an element were missing in the chemical composition; a color missing from the spectrum, something just doesn't seem quite right. Without a doubt we will hear from the members of Mr. Rosewater gain. In what configuration and under what circumstances remain yet to be seen.



Lael Alderman of the Bella Fayes

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(portable). Music Specialties: Original, alternative, cover rock, but also blues and country.

#### Portland

Aladdin Theater 3017 S.E. Milwaukie Blvd. Portland, OR 97202 503-233-1994 info line Format: All styles (no punk) Booking: Mark Adler 503-234-9694 503-234-9699 (fax) Capacity: 588 Equipment: PA, lights Headliners: Warren Zevon, Ray Davies, Chic Corea, Keb Mo, Paula Cole

#### Arnada Cafe

1717 Broadway Vancouver, WÁ 98665 360-750-9596 Format: rock, blues ,jazz, acoustic Booking: Miguel 360-750-0811 Capacity: 200 Equipment: Full P.A., mic stands, monitors Headliners: Blyss, Mel, Rustvein

#### Ash Street Saloon

225 S.W. Ash Street Portland, OR 97205 503-226-0430 503-227-2403 (fax) Format: Acoustic, Alt. Rock, Blues, Funk Booking: Ingrid Capacity: 80 Equipment: PA, mics, lights

Berbati's Pan

231 S.W. Ankeny Street Portland, OR 97213 503-248-4579 503-417-1107 (fax)

Clients: Love Load, Edgar Winter Group, Norton Buffalo, Steve Morse as well as books bands for the Mill Camp and Swingers Night Club.

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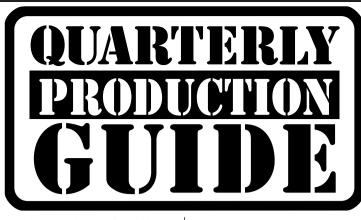
Gary Miles (503) 731-0383 8063 SE 17th Avenue Portland, OR 97202 Service: Promotion, Sound Recording, Video post work. Years Experience: 12 years Speciality: Servicing the Christian community. Availability: Anytime. Letcher, Sean (503) 771-7488; (503) 938-9626 pager Services: Sound Years Experience: 14+ Music Specialties: Anything but Country Availability: Call for Schedule Specialties: Experienced at all levels of record/music industry. Tech any and all instruments, good stage management skills, total of 15 years experience in Portland music scene. House Engineer @ Moosehead Café. Clients: Maiden Mine, Nurse Diesel, Norman Sylvester, Hudson Rocket Band

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Terry Robb, Sundown Sound, Spectrum Sound, Razorbacks, Terraplanes, Duffy Bishop, Lily Wilde, Paul De Lay, Soul Vaccination, Gemini Pub & Trails End Tavern.

#### Thomas, Dwayne

(503) 281-0203, Msg.: (503) 784-0361 Fax: (503) 231-9679 Services: Lighting Years Experience: 14 Music Specialties: Rock, all others also. Specialties: Full-time professional lighting design—concerts, clubs, special events,

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- Blubinos, The Killing Field, Cool'r, Cal Scott, Caryl Mack, Roseland Theatre, John Bunzow & Cowboy Angels.



Headliners: Billy Kennedy, Lew Jones, Lorna Miller

#### Candlelight Cafe & Bar

2032 S.W. 5th Avenue Portland, OR 97201 503-222-3378 Format: Blues Booking: Joe Shore 246-4599 Capacity: 150 Equipment: none Headliners: Norman Sylvester, Linda Hornbuckle, Jay "Bird" Koder The Country Inn 18786 S.W. Boones Ferry Road Tualatin, OR 97062 503-692-2765 503-691-2675 (fax) Format: Blues Booking: Sunny Capacity: 150 Equipment: none Headliners: Paulette & Power, Cowboy Angels, Steve Brodie

#### Format: Acoustic, Alternative, Funk, Jazz, Blues, Rock Booking: Tres Shannon: 721-0115 Capacity: 350 Equipment: PA, lights

Headliners: National, Regional and Local acts

#### Buffalo Gap

6835 S.W. Macadam Avenue Portland, OR 97201 503-244-7111 503-246-8848 (fax) Format: Soft Jazz, Folk, Rock'n Roll Booking: Scott Capacity: 85 Equipment: sound system Headliners: Craig Carothers, Jon Koonce, Reckless Kelly

**Billy Reed's** 2808 NE MLK Jr. Blvd Portland, OR 97212 503-493-8127 Format: Jazz, Soul, Reggae, Blues, Latin Booking: Fred Stevenson Capacity: 250 Equipment: sound system Headliners: Ron Steen, Norman Sylvester, Cannonballs

#### Cafe Lena

620 S.E. Hawthorne Blvd. Portland, OR 97214 503-238-7087 Format: Open Mic, Folk Acoustic Booking: LeAnn Capacity: 50 Equipment: none

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#### Gemini Pub

456 N. State Street Lake Oswego, OR 97034 503-636 9445 503-636 9445 (fax) Format: Blues, Jazz Booking: Randy Lilya 503-556-0405 Capacity: 170 Equipment: lights Headliners: Robbie Laws, Curtis Salgado, Leon Russell, Jim Mesi

#### Green Onion

15 S.W. 2nd Portland, OR 97205 503-227-2372 Format: Middle Eastern, East Indian, Reggae, World Music Booking: Susan Capacity: 180 Equipment: none Headliners:

#### Green Room

2280 N.W. Thurman Street Portland, OR 97210 503-228-5068 (fax) Format: Acoustic Folk, Rock, Bluegrass Booking: Declan Capacity: 100 Equipment: PA, board, monitors, 1 mic Headliners: Buds of May, Sweet Juice, Little Sue, Jim Boyer, Billy Kennedy

Jazz de Opus 33 N.W. 2nd Avenue Portland, OR 97205 503-222-6077 503-224-6631 (fax) Format: Jazz Booking: Haley Capacity: 50 Equipment: Piano & speakers Headliners: Mel Brown, Thara Memory, Kelly Broadway.

#### Jimmy Mak's

300 N.W. 10th Portland, OR 97209 503-295-6542 503-279-4640 Format: Jazz, Blues Booking: Jimmy Capacity: 95-165 Equipment: none Headliners: Tony Starlight, Pepe & Bottle Blondes, Ben Fowler, Art Davis Quartet, Thara Memory

#### Laurelthirst

2958 N.E. Glisan Street Portland, OR 97232 503-232- 1504 Format: Blues, Folk, Acoustic Rock Booking: Bill Leeds: 236-2455 Capacity: 100 Equipment: PA Headliners: Belmont Street Octet, Jim Boyer, Little Sue, Plumb Bob

**Metropolis** 311 S.W. Washington Portland, OR 97205

#### 503-223-7515 Format: 70xs & 80xs Retro Booking: Rami Capacity: 500 Equipment: PA, lights Headliners:

#### Mt. Tabor Pub

4811 S.E. Hawthorne Blvd. Portland, OR 97215 503-238-1646 Format: all styles Booking: Peggy 503-232-8813 Capacity: Main Room 339 Acoustic Room 72 Equipment: PA, Lights Headliners: Buds of May, Omar Torrez, Fernando, Ezra Holbrook, Steve Smith

#### The New Paris Theatre

SW 3rd & Burnside Portland, Oregon 97204 503-224-8313 Booking: Senor Frogg (503) 236-7745 Format: Punk/Gothic/Industrial/After Hours Dance Headliners: Written in Ashes, Grindstone, Mobius, Monkey Fur, Soy Futura, Sumerland, Good For Nothing, Honey Rider, Mortal Clay, Faith & Disease, Fuckpriest Fantastic

#### Ohm

Onim W. 1st Avenue
Portland, OR 97205
503-223-9919
Format: Blues, Jazz, Acoustic, Pop, Alternative.
Booking: Dan Reed
Capacity: 250
Equipment: SA PA system, lights, soundman
Headliners: Slowrush, Imogene, The Sensualists

**The Rabbit Hole & Mad Hatter Lounge** 203 S.E. Grand Avenue

Portland, OR 503-231-2925 Booking: Bill Leeds (503) 236-2455 Format: original acoustic Equipment: PA Headliners: Fernando, Luther Russell, 44 Long, Kaitlyn ni Donovan

#### The Red Sea

318 S.W. 3rd Avenue Portland, OR 97205 503-241-5450 503-224-6570 Format: Reggae, World Beat Equipment: PA

#### Roseland

8 N.W. 6th Avenue Portland, OR 97209 Website: www.doubletee.com Format: all musical styles Booking: Double Tee/Adam Zacks 503-221-0288 503-227-4418 (fax) Capacity: 1350 Equipment: PA, lights Headliners: Local, Regional and National acts



**Roseland Grill** 

8 N W 6th Avenue Portland, OR 97209 Format: all musical styles Booking: Double Tee/Adam Zacks 503-221-0288 503-227-4418 (fax) Capacity: 400 Equipment: PA, lights Headliners: Local, Regional and National acts

**Satyricon** 125 N.W. 6th Avenue Portland, OR 97209 503-243-2380 503-243-2844 (fax) Format: Alternative Rock/Punk/Various Booking: Ingrid Capacity: 250 Equipment: PA, lights Headliners: Dead Moon, Poison Idea, Everclear, Fernando, Flapjacks

#### The Jazz Bar at Sweetbrier Inn

7125 SW Nyberg Rd. Tualatin, OR 97206 503-692-5800 503-691-2894 (fax) Format: Jazz Booking: Denny 425-454-4817 Capacity: 50 Equipment: Piano, PA Headliners: Mary Kadderly, Dana Lutz, Jean-Pier Gareau. Marilyn Keller, Johnny Martin

#### St. John's Pub

8203 North Ivanhoe Portland, OR 97203 503-493-4311 Format: Blue Grass, Soft Rock Booking: John Malloy 289-7798 Capacity: 300 Equipment: PA, lights, two stages Headliners: Regional, National, Local Bluegrass & Americana

**Tonic Lounge** 3100 NE Sandy Blvd. Portland, Oregon 97232 503-239-5154 Format: Rock, Alternative, Goth Booking: Devon Equipment: Headliners: American Girls, Asthma Hounds, Feller, Mel

#### Tillicum

8585 S.W. Beaverton Hillsdale Hwy. Portland, OR 97225 503-292-1835 Format: Blues, Jazz, Rock nx Roll Booking: Cindy Capacity: 200 Equipment: none Headliners: Lloyd Jones, Norman Sylvester, Jim Mesi Band, Midnight Blue

#### **Tug Boat Brewery**

711 S.W. Ankeny Street Portland, OR 97205 503-226-2508 Format: acoustic rock, jazz Booking: Megan

Capacity: 50 Equipment: mixer, speakers and mic. Headliners: Creative Music Guild, Rob Blakely

#### **Trails End Saloon**

1320 Main Street Oregon City, OR 97045 503-656-3031 503-656-7872 (fax) Format: Blues Tuesday-Saturday Booking: Randy Lilya (503) 556-0405 Capacity: 150 Equipment: P.A., lighting Headliners: Little Charley, Paul DeLay, Duffy Bishop

#### Vic's Tavern

10901 S.E. McLoughlin Milwaukie, OR 503-653-9156 Booking: Lynn Format: Original music-Rock Capacity: 100

#### White Eagle

836 N. Russell Portland, OR 97227 503-282-6810 503-282-0842 (fax) Format: Various (no punk/techno) Booking: McMenamins/Jan 503-249-3983 x 497 Capacity: 110 Equipment: P.A., mics, Lighting, Some inhouse sound assistance Headliners: Buds of May, Steve Bradley, Jerry Joseph & Jackmormons, Jeff Trott, John Bunzow

#### Salem

Tommy John's 248 Liberty Street Salem, OR 97301 503-540-4069 Format: Rock, Alternative, Funk Booking: Dennis Ayres Capacity: 150 Equipment: 6 channel PA, no mics, lighting Headliners: Xing, Jesus Presley, American Girls

#### Westside Station

610 Edgewater N.W. Salem, Or 97304 503-363-8012 Format: Classic Rock Booking: Donny Capacity: 100 Equipment: PA, lights

#### Corvallis

The Peacock Tavern 125 S.W. 2nd Avenue Corvallis, Or 541-754-8522 Format: R & B, Alternative, Acoustic Booking: Randy: 503-556-0405 Capacity: 350, 275 Equipment: PA, lights Headliners: Linda Hornbuckle, Rubberneck



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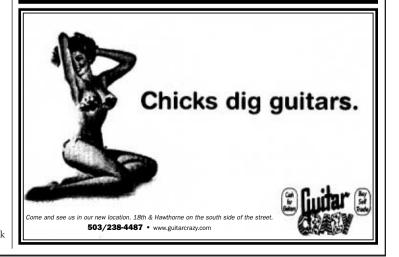
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#### Eugene

Good Times 375 East 7th Eugene, OR 97405 541-484-7181 Format: all musical styles Booking: Dog House Entertainment, Brendon Relaford: 541-342-7743 Capacity: 250 Equipment: PA, lights, sound tech Headliners: Body & Soul, The Daddies,

**John Henry's** 136 East 11th Eugene, OR 97401 541-342-3358 Format: alternative, hip-hop, funk, etc. Booking: Bruce 541-343-2528 Capacity: 300 Equipment: PA, lights Headliners: The Daddies, Floater

#### Wild Duck Music Hall

169 W. 6th Eugene, OR 97405 541-485-3825 Format: all musical styles Booking: Dog House Entertainment, Brendon Relaford: 541-342-7743 Capacity: 500 Equipment: PA, lights Headliners: Charlie Musselwhite, Calobo, Iohn Hammond

#### The WOW Hall

291 W. 8th Avenue Eugene, OR 97405 541-687-2747 541-687-2746 (fax) Format: all styles: music, dance, theater Booking: Allison Carter Capacity: 400 Equipment: PA, lights, soudtech, stage manager Headliners: Greg Brown, Vassar Clements, NoMeansNo.

**On the cover:** Stephen Malkmus makes Portland famous. The Pavement frontman's hot solo album for Matador features Portland players John Moen and Joanna Bolme and was recorded in town at jackpot and Supernatural.

WO LOUIES

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