

THE INDEPENDENT AND UNCENSORED MAGAZINE EXPLORING THE WORLD OF THE ARTIST FORMERLY KNOWN AS PRINCE

Rave Un2 The Joy Fantastic

It was announced on the Love 4 One Another website on April 12th that the new album by The Artist will be entitled *Rave Un2 The Joy Fantastic*. It will be a 10-track single disc. According to the website, The Artist has utilised many instruments from the eighties, including "the Original Linn Drum Computer, OB-8, clav with a wah, guitar and bass." The new songs are "up-beat major-key with Prince flavour sprinkled throughout," according to the website. The sound of the record is said to "fit no category." There has been no information concerning the whereabouts of The Revolution album *Roadhouse Garden*.

Las Vegas concert

Tickets went on sale on May 17th for a one-off concert by The Artist at the MGM Grand Garden, Las Vegas, on May 29th. According to the Love 4 One Another website, it may be his last performance for 1999.

New "1999" remix

A new remix of "1999" by Roger Sanchez has been issued. It appears to be a legitimate release, but we have no information about a record label.

Sampling CD-set

A seven-disc sampling set is planned for release on NPG Records in the autumn. According to Love 4 One Another, it will contain "sounds from you favourite Prince songs." The site boasts that "with no sample clearing required, this is a one-time buy of a lifetime!"

The Artist in the audience

In mid-March, The Artist attended a concert by Patti LaBelle in Minneapolis. She announced, "My good friend is here, I think... where is he?" The Artist stood up and chaos erupted as the spotlight hit him. She showed up at Bunker's afterwards to talk with him. Also in attendance were Morris Day, Terry Lewis, and the Grahams, Larry, Tina, and their daughter Latia. Morris and Terry went back to Paisley Park for a jam session with Larry and The Artist.

The Artist attended a jazz show in New York on April 6th at the Village Vanguard jazz club. He came with one bodyguard to the 11:30 p.m. show by Cuban jazz pianist Chucho Valdes. He listened to a couple of songs and then left.

While in New York in April, The Artist and Mayte attended a concert by Lauryn Hill at Madison Square Garden. It was described as "a perfect mix of the old and new and a copy of the Bible was on the soundboard!" on Love 4 One Another. "This concert is the one to see!" Also in New York, The Artist and Mayte attended the New York Knicks versus Celtics basketball game.

The Artist also caught a concert by Sheryl Crow at the Beacon Theater, New York, May 3rd. He was with a bodyguard, Ananda Lewis, and another man. He seemed to enjoy himself, staying for most of the concert.

1-800-NEW-FUNK on the Net

The 1-800-NEW-FUNK mail order service [www.1800newfunk.com] was re-launched on Internet on March 30th.

Paisley Park performances

The Artist has played four Paisley Park concerts since mid-April. His band is the same as previously minus

Marva King, but with the addition of a trumpet player and Estelle, a female percussionist from the Twin City Jammers (who play at the local club Bunkers). Larry Graham was also on stage most of the time. The concerts focused on covers, including many Sly and The Family Stone numbers and three Stevie Wonder tracks, *GCS2000* material, and more recent Artist/NPG material such as "The War," "The Good Life," "Mad," "Come On," and "Courtin' Time." Several Prince classics were played, including the rarely performed (since 1987) "Sign O' The Times." Some of the more surprising selections included "Poom Poom" and "Make Your Mama Happy." One of the shows featured a new song called "R U Ready?", possibly intended for *Rave Un2 The Joy Fantastic*. It was described as a fast, dance-oriented funk jam. Another new track was played over the speakers by the DJ after the May 8th gig.

The first performance took place early Saturday morning, April 17th (a.m.). The doors opened at 1:30 a.m. and there were around 300 people present. DJ Brother Jules kept announcing that The Artist and The NPG were going to perform. At 2:55 a.m., they hit the stage. The Artist seemed to be in a good mood, asking the crowd, "Hey, hey, hey, where did you guys hear about this? This is just a rehearsal, where did you know about this? Internet? How many people have computers?" He wore a black outfit and a huge earring on his right ear. At one point, he handed out *Watchtower* leaflets, a Jehova's Witnesses brochure. Throughout the gig, he kept changing between his keyboard at centrestage and the guitar. He gave the trumpet player and the percussionist several solo spots. The set lasted nearly two hours. It was over at 4:50 a.m.

The set list was the following: "Make Your Mama Happy" / "Sing A Simple Song" (Sly and The Family Stone) / "Love 4 1 Another" (*GCS2000*) / "Who Knows" (Jimi Hendrix) / instrumental jam / "Thank You (Falettinme Be Mice Elf Agin)" (Sly and The Family Stone) / "The Ballad of Dorothy Parker" / "Mad Sex" / "The War" - "Living For The City" (Stevie Wonder) / "Groove On" (*GCS2000*). According to another report, Larry Graham's "GCS2000," Sly and The Family Stone's "Family Affair," and "Come On" were also played. However, it is questionable whether this is accurate. Still, the above set list must be considered tentative until more information is available.

A second performance was held at Paisley Park a week later, early Saturday morning, April 24th (a.m.). The concert was announced on Love 4 One Another. Despite this there were only about 150 people who attended the show. The doors opened at 1 a.m. This time, Marva King sang with the band. Estelle, the percussionist from a week earlier was also on stage. The concert started around 2:40 a.m. with "Mad" samples. The Artist was having great fun, not least when Larry Graham and Kirk Johnson did a dance together. It was over at 4:00 a.m. in the morning.

The set included several songs played the week before but also some additional numbers: "Mad" / "Oye Como Va" (Santana) / "Stand" (Sly and The Family Stone) / "Thank You (Falettinme Be Mice Elf Agin)" / "You Got Me" (The Roots featuring Erykah Baduh) / "Family Affair" / "Living For The City" / "Groove On" / "Pop Life" / instrumental jam. Note that the set list is tentative.

A third Paisley Park performance was held on early Saturday morning, May 8th. Doors opened at about 1:30 a.m. and the place was packed. They hit the stage at around 2:25 a.m., starting the set with a full-blown rendition of "Sign O' The Times." Larry Graham joined The NPG from the second song. Towards the end of the set, after playing "The Good Life," The Artist said, "Thank you for coming out tonight." He left the stage with the band members. However, a few minutes later, he came back on stage and launched into "Courtin'

Time," playing piano. The rest of the band followed him. "OK, dance contest," The Artist suddenly announced. Kirk brought two couples on the stage and they started dancing. One of the couples were very good swing dancers. "We can't leave like this, we can't leave like this," The Artist said after "Courtin' Time." They closed the two-hour set with "Mad." The show was finally over at 4:40 a.m.

The tentative set list was the following: "Sign O' The Times" / "Higher Ground" (Stevie Wonder) / "Superstition" (Stevie Wonder) / "The War" / "R U Ready?" / "Utopia" (GCS2000) / "Acknowledge Me" / instrumental jam / "The Good Life" ("The Big City" remix version) / "Courtin' Time" / "Mad."

The fourth Paisley Park performance was held a week later, early Saturday morning, May 15th (a.m.). Again, the place was packed. The Artist wore a non-sleeve black outfit, a big earring and long hair, reminding some of his *Nude* tour appearance. They got on the stage at around 2:55 a.m., starting with Larry Graham's bass playing. The special guest was Rose Stone from Sly and The Family Stone. Larry and Rose were really having a good time together, playing a Sly and The Family Stone medley. The show lasted around two hours and the party was over at around 5:30 a.m.

The concert included a few numbers not previously played during the recent shows: "Poom Poom," "Sing A Simple Song" (Sly and The Family Stone), "Babies Makin' Babies" (Sly and The Family Stone), and an unidentified James Brown song. The tentative set list was the following: introductory jam with Larry Graham bass solo / "Thank You (Falettinme Be Mice Elf Agin)" / "Free" (GCS2000) / "Everyday People" (Sly and The Family Stone) / "Sing A Simple Song" / "Family Affair" / "Babies Makin' Babies" / "Poom Poom" / unidentified James Brown number / "Eye'magetin'" (GCS2000) / "I Want To Take You Higher" (Sly and The Family Stone) / "Come On" / "The Jam" (Graham Central Station) / "Let's Work" / "Delirious" / "Purple Rain" / "I Could Never Take The Place Of Your Man."

Three interviews

The Artist gave some interviews while in New York City the week of April 5th. He held court in a suite at the Trump International Hotel. The first interview appeared in *USA Today*, April 13th, *The Artist Ready To Reconcile With Industry*. Among other things, the interview by Steve Jones mentioned that his forthcoming *Rave Un2 The Joy Fantastic* album will be produced by an unidentified producer and will feature some surprising collaborations. Despite complaining about the low profit margins when working with a record company, he is hoping to release the new album on a major label, as long as he retains ownership of the master tapes. The Artist said, "The title track is one I did 12 years ago [actually 11!], but it sounded so much like 'Kiss' that I wanted to put it in the vault and let it marinate for a while." He said that he had unsuccessfully tried to buy the rights to his 26 Warner Bros. albums. The release of *1999 – The New Master* was an attempt to cash in on his previous work, "Once Warners refused to sell me my masters, I was faced with a problem. But 'pro' is the prefix of problem, so I decided to do something about it."

The *USA Today* article further included some false accusations of *UPTOWN*, as The Artist said that the magazine is "telling people where to buy and sell bootlegs" and that "a fanzine is one thing, but when they are actually trying to sell your work, that is something else." *UPTOWN*'s attorneys contacted *USA Today* and the publication included an inadequate correction two days later, April 15th. While it mentioned the countersuit for malicious abuse of process filed by *UPTOWN* against The Artist, it failed to address the fact that *UPTOWN* was not alleged in the lawsuit to have told people where to buy and sell bootlegs.

A second interview conducted in New York City was with David Bauder of AP, Associated Press, published April 14th, *Former Prince To Re-Record Music*. The Artist revealed that he is composing an opera and claimed that he is considering re-recording his entire Warner Bros. catalogue. Because he played most instruments himself, he said that the only thing standing in his way is himself, "Fleetwood Mac would be hard-pressed to do something like this. The only people I would have to argue with are the people in my head." According to the article, he is not discouraging anyone from buying his old records, but he gets paid a lot more if he sells them himself. Warner Bros.' Bob Merlis said, "It's extremely unlikely that we will ever give an artist with no compensation, original works that were sold to us under a valid contract."

The third New York interview was given to Franklin Paul of Reuters, published April 30th, *Former Prince Seeks Funky, Silent Type*. The Artist said that he was letting other people produce him, "But we are not going to say who they are or list them." He mentioned that The Time had always been something of a catalyst for him, noting that his current project was sparked in part after he heard tracks recently recorded by the group for what may be an upcoming album. He even admitted, "Granted, I was The Time for a while."

Morris Hayes in conversation

The Artist's keyboard player Morris Hayes was interviewed by the Love 4 One Another collective on April 14th. Amongst other things, he said that he is working on *Rave Un2 The Joy Fantastic*, "programming new sounds, new colours." He also said that he was working on a new recording of "Soft And Wet," which has sparked speculation that he is contributing to the re-recording of Prince's back catalogue.

Revolution reunion rumours

According to Wendy & Lisa's management, there are no plans for a Revolution reunion yet. There have been and continue to be discussions of a reunion in some form. Bobby Z. Rivkin said in *Minneapolis Star Tribune* that each of the former Revolution members was contacted separately about a possible reunion by the Woodstock '99 organisers. According to Wendy & Lisa's management, however, if there will be a reunion, it "definitely will *not* take place at Woodstock." It has also been reported that The Artist is being courted by the Woodstock '99 organisers to perform a Jimi Hendrix tribute. The festival is held July 23rd to 25th. A post on Love 4 One Another stated that there has been no communication between the former Revolution and The Artist, "So don't believe the hype!"

THE UPTOWN LAWSUIT

WILL THE DEFENDANT PLEASE RISE

As certainly most readers of *UPTOWN* are aware, on or about February 25, 1999, Prince, Paisley Park Enterprises, Inc., and NPG Records (the "Plaintiffs") filed a lawsuit in federal court in New York against *UPTOWN*, alleging in part unlawful use of the symbol he claimed to be his name, as well as use of unauthorized photographs of Prince, attempting to confuse the public into thinking *UPTOWN* was an official publication sponsored or authorized by the Plaintiffs, as well as other allegations. The contents of the Plaintiffs Complaint were dealt with in the article *Call The Law in UPTOWN* #37. As part of the continuing process begun with the filing of that lawsuit, on or about April 12, 1999, *UPTOWN*'s attorneys filed an Answer to the Complaint and also a Counterclaim against the Plaintiffs. This article will briefly summarize the documents filed in court on behalf of *UPTOWN*.

Essentially, the Answer is a fairly routine document in which the various allegations of the Complaint are either admitted, denied, claimed to be a legal conclusion to which no response is needed, or an allegation to which the defendants do not have sufficient information to either admit or deny the allegations of the Plaintiffs. *UPTOWN* denied all of the allegations that it engaged in unlawful activity and that it is in any manner liable to the Plaintiffs on account of *UPTOWN*'s activities related to its magazine, books and website. And since the full text of the Answer can be found on *UPTOWN*'s website [www.uptown.se], only some of the more important allegations of the Complaint will be discussed below.

As part of its Answer, *UPTOWN* has denied that its use of the symbol was an attempt to trade in on the "goodwill" alleged to have been associated with the Plaintiffs' use of that symbol. And while *UPTOWN* admitted that the "Love Symbol No. 2" and photographs of Prince appeared in *UPTOWN*'s publications, *UPTOWN* went on to deny that such use was unlawful, and it was also denied that *UPTOWN* is "disparaging to the Plaintiffs personally and professionally and [has] caused damage to the Artist's reputation." And although more fully discussed in the Counterclaim, *UPTOWN* denied that it ever "falsely designated and/or represented [itself as being] affiliated with, or being endorsed, sponsored or authorized by Plaintiffs."

UPTOWN denied that its actions violated Prince's rights under the New York Civil Rights Law, and while it admitted that *UPTOWN* never directly paid any portion of its revenues to Prince, it was pointed out later in the Counterclaim that according to *UPTOWN*'s information and belief, "Plaintiffs sold copies of *UPTOWN* at 'Glam Slam,' a nightclub in Minneapolis owned and operated by Nelson and/or his agents."

Allegations

As to the first substantive cause of action in the Complaint, for alleged copyright violations, *UPTOWN* denied the allegation that "all copies" of the symbol "made by the Artist or under his authority or license have been imprinted and published in strict conformity with the provisions of the Copyright Act of 1976... and other laws governing copyright." *UPTOWN* denied "willfully and maliciously" infringing on the Plaintiffs' copyright, and denied that Plaintiffs would be "irreparably harmed" if *UPTOWN* were allowed to continue to publish its magazine and other publications. Further denied was the allegation *UPTOWN* willfully infringed on the rights of the Plaintiffs in order to "deceive the public and trade upon the Artist's fame and goodwill."

As to the second alleged cause of action, for trademark violation, as with the copyright claims mentioned above, *UPTOWN* denied infringement, and denied that Plaintiffs would be "irreparable harmed" unless *UPTOWN* were "enjoined by this Court", although it should be pointed out that the Complaint does not state in its paragraph 39 what exactly *UPTOWN* should be enjoined from doing. All of the allegations for the third cause of action, that *UPTOWN* tried to falsely lead the public to believe its publications were officially sponsored or affiliated with the Plaintiffs, were denied. And while this would come as no surprise, *UPTOWN* denied that it should be "preliminarily and permanently enjoined from publishing, selling and distributing [*UPTOWN* magazine] and other related books, and enjoined from maintaining [its] internet website..." As to

<p>Wendy & Lisa activities</p> <p>Wendy & Lisa have contributed to the score of the film <i>Foolish</i>, released April 9th in the US. The "girl brothers" will be part of Doyle Bramhall's backing band when he plays live this summer. Bramhall is Susannah Melvoin's husband.</p> <p>Wendy & Lisa and producer Trevor Horn have come to a mutual decision not to release an album, tentatively titled <i>Friendly Fire</i>, featuring material from their aborted 1994 sessions. In an odd twist, Wendy & Lisa have chosen to post the track listing from the project on their official website: www.wendyandlisa.com. For more information about Wendy & Lisa's activities, check out Katrina's Music Zone, www.psn.net.</p>	<p>Tribute track by D'Angelo</p> <p>A recent interview with D'Angelo mentioned a song called "Untitled," which is said to be a tribute to The Artist. It is slated for inclusion on his forthcoming album, <i>Voodoo</i>.</p> <p>Busta Rhymes collaboration?</p> <p>Busta Rhymes was interviewed by BBC Radio on April 9th. Asked about a collaboration with The Artist, which has been rumoured, he said that it had not happened as The Artist had had to get the song finished before an upcoming tour, and that their busy schedules had not allowed them to get together in time. However, Hot 97 New York radio reported that The Artist was in town April 23rd recording with Rhymes a track for an album against police brutality.</p>	<p>Jill Jones on record</p> <p>Former Paisley Park artist Jill Jones is featured on a new live album by Chic entitled <i>Live at the Budokan</i>. She is currently recording for an independent record label called Exile Records USA. On their website there are two samples of her latest musical offerings and a recent photo. [www.exilerecords.com]</p>
<p>Homage by Teddy Riley</p> <p>"Black And White," a song on the new Blackstreet album, <i>Finally</i>, is an obvious homage to The Artist. Not only does it have a very "Princely" sound, it incorporates vocal harmonies that are very reminiscent of songs like "7." The lyrics sound very much as if The Artist had written them himself and even incorporate several of his song titles, "Scandalous," "3rd Eye," "The Holy River," and "7" being the obvious four. The song was produced by Teddy Riley.</p>	<p>The Hits Collection DVD release</p> <p>A 15-song retrospective from Prince entitled <i>The Hits Collection</i> will be released on DVD on June 8th by Warner Bros. It will include, amongst other video clips, "I Wanna Be Your Lover," "Controversy," "1999," "Little Red Corvette," "I Would Die 4 U," "Kiss," and "Cream."</p>	<p>DanceMusicSexRomance</p> <p>Per Nilsen's new book about the first decade of Prince's career, <i>DanceMusicSexRomance</i>, has been completed for quite some time, but the publisher's editing process has taken time, causing several delays. The last word is that the book will hit the streets in late June 1999. Published by Firefly, England, the book includes a foreword by Alan Leeds, who was closely involved with Prince's career between 1983 and 1993, working as an administrator, tour manager, and Paisley Park Records boss.</p> <p>As we have stated previously, <i>UPTOWN</i> has nothing to do with the book, apart from the fact that it was written by staff member Per Nilsen. We will <i>not</i> be able to sell the book through the magazine. You should have no problem finding the book, however, as it will be readily available throughout the world.</p>
<p>the remaining causes of action, unfair competition, unjust enrichment and for an accounting of <i>UPTOWN</i>'s revenues, all the allegations of the Complaint were denied, except for one which was deemed a mere conclusion of law to which no response was needed.</p> <p>Affirmative defenses</p> <p>Next, the pleadings filed by <i>UPTOWN</i>'s attorneys includes a list of 18 affirmative defenses. To oversimplify, an affirmative defense is a statement of a legal basis upon which the defendant in a lawsuit is relying to defeat the Plaintiffs' complaint. Amongst the affirmative defenses raised by <i>UPTOWN</i> is that "Plaintiffs' claims are barred because of their acts and conduct in acquiescing to Defendants' long-standing use of Plaintiffs marks. Plaintiffs are therefore estopped from asserting these claims against the Defendants." Other defenses include allegations that the Plaintiffs' copyright registration for the symbol is invalid; that the Plaintiffs abandoned their copyrights and trademark rights by failing to protect them; fair use; and that the Plaintiffs' claims violate the protections guaranteed them by the First Amendment of the United States Constitution.</p> <p>Another defense raised in <i>UPTOWN</i>'s response is the "doctrine of unclean hands." Briefly, when a party to a lawsuit asks a court to exercise its equitable powers and order an extraordinary remedy, such as issuing an injunction against the adverse party, the person seeking that remedy cannot himself be guilty of any wrongdoing related to the lawsuit. In <i>UPTOWN</i>'s response, it is alleged that by making false allegations against <i>UPTOWN</i> and misusing the legal process to stifle competition and free speech, "Plaintiffs are guilty of inequitable conduct and come into this Court with unclean hands."</p> <p>Further affirmative defenses raised by <i>UPTOWN</i> include the allegation that <i>UPTOWN</i> consistently identified itself as an independent entity not associated with Prince or the other Plaintiffs; the inability of the Plaintiffs to show that the public would be so confused by <i>UPTOWN</i>'s activities that it would think them as being produced or licensed by the Plaintiffs; and the failure of the Plaintiffs to mitigate their damages. That last defense is based upon a general legal doctrine, greatly simplified here, that a party may not recover damages if that party fails his obligation to minimize the same.</p>	<p>Counterclaims</p> <p>The next, and final portion of <i>UPTOWN</i>'s response are the Counterclaims filed against Prince and the other Plaintiffs. In general, a counterclaim is a claim made by a defendant against the Plaintiff in a lawsuit. And just as the defendant must respond to the Plaintiffs' complaint, the Plaintiff, likewise, is required to file a response to the counterclaim or find himself in default.</p> <p><i>UPTOWN</i>'s counterclaim begins with a brief introduction which summarizes the nature of the claims against the Plaintiffs and the relief sought by <i>UPTOWN</i> from the court. Then, after identifying the parties to the Counterclaim, <i>UPTOWN</i>'s attorneys set forth a factual background for the events leading up to the claims eventually made against the Plaintiffs.</p> <p>First, it is mentioned how <i>UPTOWN</i> was founded in 1991 by a small group of Prince fans with a desire to create a forum to discuss the music and career of Prince and related artists. There follows some quotes from various issues of <i>UPTOWN</i>, from the earliest to the current time, as well as quotations from other <i>UPTOWN</i>-related publications, that <i>UPTOWN</i> was and is not an official publication sponsored or authorized by the likes of Prince, Warner Brothers, Paisley Park Records, and/or NPG Records.</p> <p>Then, after pointing out <i>UPTOWN</i>'s avoidance of commenting on Prince's personal life, the pleadings set forth Prince's awareness of <i>UPTOWN</i> and its activities. That awareness included the fact that, since it was founded, "<i>UPTOWN</i> has frequently provided copies of its publications to Plaintiffs. Until this suit was filed, Plaintiffs did not complain, protest or attempt to restrain <i>UPTOWN</i>'s publications, website, or other activities." Other facts showing the Plaintiffs' past awareness of <i>UPTOWN</i> and its publications include the interview <i>UPTOWN</i> published with Mayte Garcia, as well as the allegation that the Glam Slam nightclub in Minneapolis, formerly owned and operated by Prince and/or his agents, sold <i>UPTOWN</i> magazine.</p> <p>The counterclaim mentions the establishment of <i>UPTOWN</i>'s website, and quotes from a disclaimer always posted on that site stating that "<i>UPTOWN</i> is not an authorized fan club." The Counterclaim also points out that in 1999, but prior to the lawsuit being filed against <i>UPTOWN</i>, the magazine's website included the statement "<i>UPTOWN</i> is not an authorized fan club, supported by Paisley Park and NPG Records. But <i>UPTOWN</i> is in-</p>	<p>dispensable if you want more than just the 'official' news, and if you're looking for a magazine that treats its subject in a serious, journalistic manner, without the fawning 'Oh, isn't the Artist God' attitude that can be both embarrassing and annoying."</p> <p>Symbol use</p> <p>The next portion of the factual background included in the counter-lawsuit is the history of Prince's alleged name change to the unpronounceable symbol he has used for the last several years. It is mentioned how Prince announced on June 7, 1993 that he had changed his name to the symbol, representing to the public that he had made the symbol his legal name.</p> <p>The Counterclaim mentions that as part of a campaign to promote his new identity, the Plaintiffs urged the media, <i>UPTOWN</i> not excluded, to use the symbol, and to that end provided to the media a computerized font of the Love Symbol No. 2. It was further mentioned that, to the knowledge of the Defendant, the "Plaintiffs have never informed such publications that the Symbol was copyrighted or trademarked, or that the Symbol could not be printed freely by anyone desiring to write about, or refer to, Nelson. To the contrary, Plaintiffs encouraged members of the media, including <i>UPTOWN</i>, to use the Symbol."</p> <p>The Counterclaim specifically refers to how <i>UPTOWN</i> contributor, and now contributing editor and your author of this article, David J. Magdziarz contacted the public relations firm hired to distribute the symbol font and received a copy of the same from that firm. The written instructions received with that computer diskette included the sentence "[the Symbol] is now the artist's legal name and should be used whenever referring to him in print."</p> <p>Other correspondence received from the firm included a handwritten note wishing Mr. Magdziarz good luck on the article he was preparing at the time. And as further mentioned, other members of <i>UPTOWN</i>'s staff also received the same font from the Plaintiffs' representatives. <i>UPTOWN</i>, it is mentioned, began to regularly refer to Prince by the symbol, as he had repeatedly requested the media to do so, by 1995. It is also stated that by the time Prince registered his trademark and copyright to the symbol, publications throughout the</p>

<p>world were referring to him by use of the Love Symbol No. 2. There is also an allegation that the Plaintiffs regularly failed to use a copyright and trademark symbols on items bearing the Love Symbol No. 2.</p>	<p>No 2 to be null and void and that the judge cancel the registration of that copyright. To back up this count, <i>UPTOWN's</i> attorneys mention Prince's use of the symbol as his name, and as pointed out in the affirmative defenses, names are not copyrightable. <i>UPTOWN</i> also claimed that the Plaintiffs injected the symbol into the public domain by giving it away to members of the media, including <i>UPTOWN</i>, with "implicit permission to use the Symbol in their publications and otherwise."</p>	<p>We are still receiving many letters commenting on the lawsuit against <i>UPTOWN</i>. However, we would like to avoid publishing letters on this subject, at least for the time being. Let's focus primarily on the music and career-related questions and comments instead.</p>
<p>Stifling competition</p> <p>Next, <i>UPTOWN's</i> counterclaim sets forth Prince's alleged campaign to stifle competition. The lawsuit spells out the history behind Prince's attempts to "[eliminate] all fan-run websites about Nelson and/or [subsume] these websites into the official site." Other activities alleged to be part of the campaign to silence voices not authorized by Prince include e-mail messages sent by his attorney, L. Londell McMillan, Esq., to various Prince-related websites, asking them to stop using certain "unauthorized material," including the Love Symbol No. 2, on their sites. But, as is pointed out in the Counterclaim, "No such e-mail was sent to <i>UPTOWN</i>."</p> <p>The campaign to silence non-official voices in the Prince fan community is placed into perspective in the Counterclaim when it was revealed that Pierre Igot, whose Le Grind website became the official news portion of the official Love 4 One Another site, "told <i>UPTOWN</i> representatives that Plaintiffs were forming a new 'official' print 'fanzine' devoted to Nelson." The story of the campaign to silence <i>UPTOWN</i> continues with allegations that Igot attempted to persuade <i>UPTOWN</i> to merge with the planned new official fanzine, but with <i>UPTOWN</i> refusing because of the magazine's desire to remain an independent voice in the Prince community. The attempts to change <i>UPTOWN's</i> mind continued, with Igot inviting Per Nilsen to partake in online negotiations with "NPG2000" regarding the incorporation of unofficial Prince-related entities into official Prince entities. The AOL screen name "NPG2000" is that of an anonymous individual believed to be Prince. As of the date this article was written, the AOL member profile for "NPG2000" reads as follows:</p> <p>Member Name: NPG Records; Location: Chanhassen, MN, USA; Computers: Mac IIsi, LCiii, 840AV, 660AV, 950 – various 486,386; Occupation: Makin' Music; Personal Quote: Peace and B Wild.</p>	<p>The Counterclaim goes further, stating that the copyright registration forms wrongfully claimed the symbol was an original work when it was instead a "copy or derivative work based on a two-dimensional work displayed on page 74 of the book <i>Symbols, Signs and Signals</i> by Ernst Lehner... According to the book, that two-dimensional work is an ancient symbol for the material 'Soapstone.'" Being in the public domain, the symbol cannot, <i>UPTOWN</i> alleges, be copyrighted. In addition to asking the judge to invalidate Prince's copyright in the symbol and to cancel its registration, <i>UPTOWN</i> also asks the court for a "declaration that [<i>UPTOWN's</i>] prior, present and prospective use of the Symbol does not constitute copyright infringement."</p> <p>Third count</p> <p>The third and final count against the Plaintiffs is one seeking to invalidate the trademark registration Prince has in the Love Symbol No. 2. As with the second count, it is alleged the Plaintiffs failed to protect their mark by using it as a name and by injecting it into the public domain by giving it away and encouraging others to use it. It is also stated that <i>UPTOWN's</i> use of the symbol was not that of a trademark, and that "Plaintiffs, in bringing this lawsuit, are improperly using trademarks as part of an onerous scheme to restrain trade and suppress speech." <i>UPTOWN</i> then asks the court to declare any trademark rights of the Plaintiffs to be null and void, and also for a declaration that <i>UPTOWN's</i> "prior, present and prospective use of the Symbol does not constitute trademark infringement."</p>	<p>Re-recording</p> <p>Hello <i>UPTOWN</i></p> <p>Several press reports have stated that The Artist is considering re-recording all his Warner Bros. albums to gain control over the master tapes. What are your thoughts on this? Is this "threat" meant to be taken seriously? I think it is a testament to how much owing his masters means to him, but it also says a great deal about how money-minded he is – what's the point in re-recording and re-releasing the albums on NPG Records besides making more money from the music? Or, is it indicative of a writer's block? If he hasn't anything new to offer, he can always attempt to re-create his glorious past.</p> <p>In the eighties, Prince was so busy recording new music and breaking new ground that he would never consider re-recording music. The Artist needs to find another way to resolve the issue of ownership of his masters. Or simply accept the situation as it is and move on... and "letitgo." He still makes an incredible amount of money from the WB catalogue each year – much more than 99.9 per cent of us could ever dream of making. Although I'm sure most of us fans sympathise with his struggle, I think it's clear that his preoccupation with money and the business side of his career is affecting his creative abilities and sense of judgement.</p> <p>It's probably no coincidence that his greatest successes came when Cavallo, Ruffalo, and Fagnoli were in charge as his management team. I'm sure most major decisions were down to Prince, but I think his managers provided a second opinion and were able to influence his decisions. After they went their separate ways, The Artist's career has suffered from "chaos & disorder." He has never really lived up to his potential, commercially, critically, or artistically. What's your opinion? Keep up the fantastic job!</p> <p>Charles Rae</p>
<p>An interesting element in the counterclaim is an e-mail Igot sent to another website operator who is a defendant in one of the other lawsuits Prince has recently filed. In that e-mail message Igot is quoted as stating: "u were given the chance 2 join 'the collective,' within which ur work would have been recognised and used _ and u definitely wouldn't have been sued. U decided otherwise."</p> <p>"Malicious abuse of process"</p> <p>Next, the Counterclaim states its three counts against the Plaintiffs. The first count is an action alleging the Plaintiffs are guilty of "malicious abuse of process" in that "Plaintiffs, without excuse or justification, brought this action with the intent of suppressing <i>UPTOWN's</i> speech and operations and forcing <i>UPTOWN</i> out of business."</p> <p>It is pointed out that <i>UPTOWN</i> is a respected magazine focusing on Prince's music and career, and as such, represented significant competition to the as of yet forthcoming official Prince fanzine. It is also alleged that "Plaintiffs brought this action for the illegitimate collateral objectives of eliminating economic competition, securing a monopoly for the Planned Magazine, the Love 4 One Another website, and 1-800 NEW FUNK website, and stifling free expression about Nelson", and that such actions have caused <i>UPTOWN</i> to suffer damages.</p>	<p>The response</p> <p>The Plaintiffs' attorneys filed a response to <i>UPTOWN's</i> Counterclaim, but it was done so without sufficient time for <i>UPTOWN</i> to discuss it in more detail in this issue of the magazine. They admit that at certain points they received copies of <i>UPTOWN</i>, but deny that sales of the magazine occurred at Glam Slam.</p> <p>They admit that Prince announced that he would be identified as the Symbol, rather than as "Prince." However, they deny that he announced that he had legally changed his name to the Symbol.</p> <p>They admit that "Plaintiffs, through various agents, provided fonts of the Symbol on computer disks with a copy of Plaintiff's trademark registration of the Symbol to publications and individuals who requested permission to use or reprint the Symbol." They admit that it was given away, but do not admit that it was submitted to <i>UPTOWN</i> with permission to use it. They also claim that on copies that were given away, the trademark symbol was present.</p> <p>They admit that Love 4 One Another is run by Plaintiffs and that it is Plaintiff's website. However, they deny that Pierre Igot is an authorized representative of Plaintiffs or that he is associated with the website.</p> <p>They deny <i>UPTOWN's</i> statement about The Artist using NPG 2000 as an online alias by stating that these allegations "are too vague and ambiguous in order for a response to be properly framed." At most points, they simply deny <i>UPTOWN's</i> allegations or say they don't have enough information to admit or deny the allegations.</p>	<p>It's well-known that Prince/The Artist probably records more urgently than any contemporary musician. Taking each individual song as its own project, he usually goes into the studio with a song in his mind and records, overdubs, and mixes the track in one uninterrupted session. He has always favoured spontaneity and feel over technical perfection.</p> <p>The idea that The Artist would go back into the studio to re-create albums recorded many years ago is unrealistic. Remember, to make <i>For You</i> and <i>Prince</i>, Prince had to go through the laborious process of re-creating material he already knew well. He had demoed most of the songs and some songs had been recorded several times. As a result, spontaneity suffered and he often lost the life in the songs. In great contrast, the <i>Dirty Mind</i> tracks were recorded very spontaneously, when inspiration struck, and each individual song was taken as its own project. This way, he was able to capture the excitement of the creative moment. Hence, there is an undeniable enthusiasm about the performances on <i>Dirty Mind</i> which is largely missing from <i>For You</i> and <i>Prince</i>. Clearly, Prince realised that this was how he wanted to make his records; it is essentially the working method he has used when recording all his later albums.</p> <p>"I record when I feel like, and when I have a song in my head," Prince commented in 1981. "I don't like to have a session at ten in the morning, and conclude at five in the evening. I go into the studio at very strange hours sometimes and do marathon sessions until I'm ready to drop." It is probably just as true today.</p> <p>Thus, having established that the vast majority of his music is created highly spontaneously, when he is inspired, it does seem highly unlikely that he would embark on the time-consuming project of re-creating music. It's another thing if he involves NPG members and have other musicians re-record his music. Still, it seems such a waste of time and energy, so let's hope it won't happen. We want to hear new material!</p>
<p>Second count</p> <p>The second count against the Plaintiffs is a request that the judge declare Prince's copyright in the Love Symbol</p>		<p>No guarantees</p> <p>Dear <i>UPTOWN</i> Magazine,</p> <p>I was writing to warn your staff and your readers of the "1999 – The New Master" CD Parties, which I heard will be making a run across the US. I went to the first one, on January 1, 1999, and the club where the event was held did an excellent job of defrauding my sister, myself, my friends, and several other Artist fans. The party took place at Studio 54, a nightclub within MGM Grand casino in</p>

Las Vegas. My sister initially heard about the concert through an Artist website and when she called MGM Grand, they stated that The Artist would be performing with Morris Day and The Time. We called the casino's box office several times prior to the day the tickets went on sale, and each time we were told that The Artist would perform, that Morris Day and The Time would perform as well, and that there might be other guest performers (Sade and Chaka Khan were mentioned as possible appearances). Tickets were \$100 a piece, but, considering that it would be the first time The Artist and The Time performed together in over a decade, it was well worth it.

On New Year's Eve, we arrived in Las Vegas. All of us had come from other states (I had flown in from DC). On the radio, we heard advertisements for The Artist concert. When we picked up the tickets, the stub only mentioned The Artist, and didn't mention Morris and The Time.

My point in saying all this is that we expected to see The Artist, and to hear him sing. *The Artist never performed.* He did not even perform the new version of "1999," the purpose of the event in the first place.

And while that was disappointing, my anger lies in the casino's lies, evasions, and denials. We were told later by the casino management that the event was advertised as a Morris Day and The Time concert (a blatant lie – the only place where it was advertised as such was the casino's internal newsletter) and that The Artist was never expected to perform and that whether he did was at his discretion.

To date, the casino refuses to give us a partial refund for what basically amounted to a Time concert, although some people paid almost \$200 per ticket. And the casino continues to insist that it never implied that The Artist would perform, despite evidence to the contrary, combined with the glaring fact that about 1100 people showed up in Artist and NPG paraphernalia to stand in the "Artist Concert" line.

So, if any of your readers or if any member of your staff hears about these "1999 – The New Master" concerts, please be aware that a performance by The Artist is not guaranteed and there is a risk that you might pay way too much for a Time concert.

Sincerely,

April

UPTOWN staff members have tried to get the casino's side of the story. Unfortunately, we have been unable to get any response.

Jill Jones and Anita Baker

You may have the answer to these following extensive research, but just to update my own database, can you tell me:

Did Prince write the Jill Jones B-Side, "77 Bleeker Street"? Given his close involvement on the accompanying album, despite seemingly random crediting, this seems most likely.

What involvement, if any, did Prince have in the Anita Baker track, "I Apologize," from her *Rhythm Of Love* album? The CD booklet credits the writers as Anita Baker, Barry J Eastmond and Gordon Chambers, but the publishing credits make reference to Paisley Park Music, ASCAP.

It would not surprise me if you have previously identified these items. Or have I discovered something?

Regards,

Russel Bailey

The Artist did not write the two songs. As far as we know, he has nothing to do with the Anita Baker track. However, it is possible that a sample of one of his songs was used. Regarding "77 Bleeker St.," this track came about after Prince's production work on Jill Jones' album had ceased. However, it is more than likely that he contributed instrumental parts to the song since it was sent to him by Jill.

Madhouse

Dear UPTOWN,

Are you planning any articles on Madhouse, one of my favourite Prince side projects? You've written about Vanity 6, Apollonia 6, Sheila E., The Time, The Family, etc, so what about an in-depth article on Madhouse? It's still one of the most "mysterious" projects as it has never really been revealed who the musicians were on *8* and *16*.

Tom Jansen

A Madhouse article is in the planning, covering the four Madhouse projects between 1986 and 1993: *8*, *16*, and the two different *24* projects (the first in 1988 and the second in 1993). According to Per Nilsen, the descriptions of the two released Mad-

house albums in his 1993 version of *A Documentary* contain many factual errors. He has been able to establish exactly who the musicians are on all Madhouse tracks. The first Madhouse album, *8*, was certainly *not* recorded by Eric Leeds with "a jazz group he had led in Atlanta before he played with Prince," as it says in *A Documentary*. The first Madhouse album was essentially a Prince solo project, with Eric contributing saxophone and flute, and Matt Fink a synth solo on "Two." All the details will be revealed in the forthcoming Madhouse article.

Instrumentals

Dear UPTOWN,

I was just listening to some tracks when the following question came to mind. It's about the Sound 80 instrumentals and I was wondering if it is really Prince who is playing there? Could you please tell me when this was recorded and who is playing there? If it really is Prince I think it is one of his best musical performances *ever*!

Yours sincerely,

Rene Freeguard

You need the UPTOWN book *TURN IT UP*, as it includes details about all circulating studio sessions, including eight instrumentals supposedly recorded at Sound 80 in 1977 (when Prince did the bulk of sessions at that studio). Featuring a line-up of drums, bass, and keyboards (no guitar), the instrumentals are highly accomplished, sounding like well-crafted compositions rather than spur-of-the-moment jams. They show Prince's precocious musical talents and his versatility, covering blues, jazz, funk, and rock with the same ease.

Boni Boyer single?

I am a big fan of Boni Boyer. I heard that there is a 12-inch single entitled "Got To Give In To (Your?) Love" by Boni Boyer. It was probably released about early 80's. Is she the one who was a member of Prince's band?

Tabito Morioka

Any Boyer experts out there that can help us? We're at a loss here.

Moving forward?

In response to F. Ryder Spiver's comments in UPTOWN#35, I am inclined to agree that the Artist seems intent on looking down upon those who lead a life similar to the one he apparently used to. To be happy with being monogamous does not call for such blatant moralising in lyrics as found in "Come On," or even songs like Chaka Khan's "Pop My Clutch," co-written by the Artist.

For someone who used to offer an open-minded perspective when it came to gender and race, I find the Artist of today to be more close-minded, rather than forward thinking. Also, why the need for a sampling set? The whole point of hip-hop artists sampling is showing that you can creatively get something out of an already recorded song, through skill. It seems like a quick money-making exercise, rather than one for creativity. Sets like that just seem to further show Prince's age as an artist, rather than moving forward as he used to, not content to rest on his laurels. George Clinton once said that calling him a legend makes it sound like he's past it. I hope it doesn't have to be true in the case of TAFKA-Prince.

Sunil Jayesh Chauhan

Phoenix, Soul Explosion, Grand Central, and Champagne

Hello UPTOWN

Can you enlighten me about Grand Central, which I believe was Prince's first band. Who were the members? Why did they change the name to Champagne? Can you clarify?

Best regards,

Cathryn Doyle

Prince was about 13 years old when he started his first band with close friends André Anderson (later known as André Cymone) and Charles Smith (his second cousin). Prince decided that he would play guitar in the group, while Charles was going to play drums and André bass guitar. The group was initially called Phoenix, a name suggested by Charles, who got it from an album by Grand Funk Railroad (*Return Of The Phoenix*, released in 1972), a white, heavy rock group who they all liked. The others rejected the name, however, and for some time they called themselves Soul Explosion, after a TV show, before settling for Grand Central. According to André, "It went to Grand Central, which is something I think Prince came up with because he was really into Grand Funk Railroad." Some time later, André's sister, Linda, was added to the group when Prince taught her to play keyboards. André's neighbour, Terry Jackson, who played percussion, also joined the band as it enabled them to rehearse in his home.

Grand Central underwent a line-up change towards the end of 1974 when Charles was voted out of the group because the others felt he was missing too many rehearsals as a result of his commitment to the football team. He was replaced by a friend named Morris Day as drummer in the group. At the same time, Morris' cousin, William Daugherty, also joined the band, taking over for Terry Jackson on percussion. Morris had met Charles at North High before he was introduced to André and Prince. Morris' mother, LaVonne Daugherty, became Grand Central's manager when her son was became their drummer. She seemed to have some connections in the music business and there were vague promises of a deal with Isaac Hayes' production company, yet nothing came of it.

When Prince gave an interview to *Central High Pioneer*, a student newspaper at Central High, February 13th 1976, the band was referred to as Grand Central Corporation. Shortly afterwards the name was changed to Champagne to avoid a confrontation with Charles. He felt the name Grand Central belonged to him since he had started the band. Another reason for the name change was to avoid comparisons with Graham Central Station, a band which bass player Larry Graham had launched in 1973 after leaving Sly and The Family Stone. "Because they came along afterward and everybody said we were trying to copy them," says André. "It's like, 'No, no, no, we're not trying to copy anybody.' So we changed it."

Client work order?

Hello,

In UPTOWN #37 on page 12 there's a line that says "Client work order from Mountain Ears, the studio in Boulder, Colorado, where The Rebels' recording sessions were held." However, what does this mean? Have you forgot a picture or what? Just wondering,

Stefan Hammarberg

Yes, you're right, we missed to include a picture. We noticed it ourselves after the issue had gone to print. Anyway, here it is: