

*Musicians Sue Over Sales Tied to Rock Collection National Public Radio (NPR) December 19, 2006 Tuesday*

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**HEADLINE:** Musicians Sue Over Sales Tied to Rock Collection

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MELISSA BLOCK, host:

Several years ago, a wealthy businessman named Bill Sagan bought up a lifetime's worth of rock and roll memorabilia. It was the collection of the legendary late concert promoter Bill Graham. Graham had saved everything - photographs, posters, concert tapes, tickets - enough stuff to fill two dozen 40 foot trucks. Bill Sagan bought it all for a reported five or six million dollars. Then he created a Web site to sell the memorabilia and reproductions. And now, some of the musicians whose images are being sold are suing in federal court.

Phil Gallo is covering the story for the trade publication Variety, and he's here to tell us about it. Thanks for being with us.

Mr. PHIL GALLO (Assistant Editor, Variety): Thank you for having me.

BLOCK: I've been looking around this Web site, it's called Wolfgang's vault, and it's just got a little bit of everything on there.

Mr. GALLO: It certainly does. It's really an amazing site, especially for anybody who wants to - a fan of '60s rock n' roll and live music and wants to listen to some concerts of people like the Grateful Dead or Neil Young or The Band.

BLOCK: So you can stream concert audio for free or you can buy any number of things - posters, postcards. I saw places where he's taken the images and put them on mugs and afghans and calendars, things like that.

Mr. GALLO: And hundreds upon hundreds of t-shirts. So he's really gone it big into business taking older artifacts and reapplying their use.

BLOCK: And all of the stuff that was in this archive?

Mr. GALLO: Everything was in the archives.

BLOCK: Well, this lawsuit that was filed on Monday, as I understand it, the plaintiffs are Led Zeppelin, the Doors, the Grateful Dead and Carlos Santana. What are they claiming?

Mr. GALLO: They're saying that their materials being misappropriated - their logos, their likenesses and the fact that their music is being streamed on the Web site without their consent and that they are offering it for licensing.

BLOCK: And when you talked to lawyers who handle these sorts of issues, what do they say? Do they have a good case?

Mr. GALLO: I'm no lawyer, but personally, I think they do. The Grateful Dead in particular has been very stringent in terms of how it protects its logos and how it protects its recordings. They issue live recordings. They have their own vault set up so that they can release various live recordings from their history. And they don't use the term Grateful Dead loosely.

You'll also see that Led Zeppelin is a perfect example of that. There is no Led Zeppelin that does not include the four original members, so they never perform that way anymore. For somebody else to be using their recordings to draw traffic or to use their logo to sell other items, these are things they've worked very hard to control. So I think that a lot of trademark courts would lean toward the artists in this case.

BLOCK: You do wonder when Bill Sagan bought all this stuff, what the understanding would've been? Would there have been one?

Mr. GALLO: I would sense that there would not be one. He had purchased, you know, the posters, the t-shirts, whatever was laying around, and he obviously could sell any of that for any price he could get. Now, the question is does he have the right to copy it? And you know, the Grateful Dead would have their logo registered as a trademark, for example.

BLOCK: So to take that, put it on a coffee mug or a bumper sticker or something like that.

Mr. GALLO: Exactly.

BLOCK: Well, what does Bill Sagan - the person who owns and runs Wolfgang's Vault - what does he say about this?

Mr. GALLO: As I understand it, he is pretty much saying, well, nobody ever told him he couldn't do it. So I'm sure he's going to take that attitude into court.

BLOCK: I mean, the Web site has been up for a few years now, I do wonder why nobody's filed suit before?

Mr. GALLO: Well, I think in November, they started to make a big splash about the fact that there were all these hundreds of concert recordings and they were being streamed and it was free, and that generated a certain amount of publicity for the site. And I think that when people went there and saw this is a commercial site, and it's selling things that have my picture on it, or it's selling items that have our logo on it, I don't want that going on because I control that image.

BLOCK: Phil Gallo, thanks for talking with us.

Mr. GALLO: Thank you.

BLOCK: Phil Gallo is associate editor of Variety. And those recordings that are posted on the Web site are not scratchy, poorly recorded bootlegs. Here's a sample of a Santana show from 1975.

(Soundbite of Santana)

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