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## **The Beatles sue EMI for \$50 million**

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**17 December, 2005**

## **THE ARTICLE**

### **The Beatles sue EMI for \$50 million**

The surviving members of The Beatles and relatives of the late band members, John Lennon and George Harrison, are suing EMI, their former record company, in a bid to recover more than \$54 million in alleged unpaid royalties. Lawyers acting on behalf of the ex-Beatles have started legal proceedings, both in London and New York courts, to recoup the cash they maintain EMI has fraudulently hidden using shady accounting practices. The deficit was found after an audit of Apple Corp, the Beatles' commercial arm, two years ago. Negotiations between Apple Corp and EMI have failed to resolve the issue, prompting the decision to seek legal redress. Apple won the last court battle between the two in 1991, when it prevented EMI from releasing an album box set on CD.

Both parties in the latest dispute are standing firm over their legal arguments. Apple Corp boss Neil Aspinall said he had tried his utmost to reach an out-of-court settlement with EMI and that court was his last resort: "We have tried to reach a settlement through good faith negotiations and regret that our efforts have been in vain," he said. He insisted that: "Despite very clear provisions in our contracts, EMI persists in ignoring their obligations and duty to account fairly and with transparency." EMI flatly rejects Apple Corp's claim for unpaid royalties. A company spokeswoman told the Reuters news agency: "Sometimes there are differences of opinion, especially when the contracts are large and complex, when you can get issues of contractual interpretation."

## WARM-UPS

**1. BEATLES SEARCH:** Talk to as many other students as you can to find out what they know about The Beatles. After you have talked to lots of students, sit down with your partner(s) and share your information. Tell each other what you thought was interesting or surprising. Do you like The Beatles?

**2. MOST IMPORTANT:** Do you think The Beatles is the most important band in rock history? Look at the bands below and talk about how important they are. Do you have any of their music? What three bands or artists would you add to this list?

- The Beatles
- The Rolling Stones
- Nirvana
- U2
- Pearl Jam
- Queen
- The Doors
- Radiohead
- The Jimi Hendrix Experience
- Guns 'n' Roses

**3. CHAT:** In pairs / groups, decide which of these topics or words are most interesting and which are most boring.

*Relatives / John Lennon / George Harrison / EMI / record companies / negotiations / CDs / disputes / court battles / good faith / contracts / obligations / Reuters*

Have a chat about the topics you liked. For more conversation, change topics and partners frequently.

**4. I'M A BEATLE:** You are now a member of The Beatles. It is 1969. Talk with the other "Beatles members" about life as a rock and pop star. (If you don't want to be a Beatles member, choose another rock / pop star.) What are the best and worst bits? What are your plans for the weekend? What do you think of Michael Jackson? Who are your favorite bands and singers performing today?

**5. BEATLES OPINIONS:** Discuss these opinions with your partner(s).

- a. The Beatles are the greatest band ever.
- b. The Beatles sang about drugs. That's wrong.
- c. Many other bands and artists have been more successful than The Beatles.
- d. The Beatles' songs are timeless and will be sung forever.
- e. If The Beatles hadn't broken up, they would have produced even greater music.
- f. I would like to have been a member of The Beatles in the 1960s.
- g. The Beatles is the world's most over-rated pop band.
- h. The Beatles greatly changed modern culture.

**6. SUE:** Spend one minute writing down all of the different words you associate with the word "sue". Share your words with your partner(s) and talk about them. Together, put the words into different categories.

## BEFORE READING / LISTENING

**1. TRUE / FALSE:** Look at the article's headline and guess whether these sentences are true (T) or false (F):

- a. The Beatles are suing their ex-record company for unpaid royalties. T / F
- b. Lawyers maintain EMI fraudulently concealed cash due to The Beatles. T / F
- c. The Beatles have a commercial leg called Apple Corp. T / F
- d. Apple Corp won a court battle against EMI in 1991. T / F
- e. Apple Corp had no interest whatsoever in settling out of court. T / F
- f. The Apple Corp boss said negotiations would take place at a resort. T / F
- g. The Apple Corp boss said EMI's accountants are vain and ignorant. T / F
- h. EMI has said contractual interpretations can lead to differing opinions. T / F

**2. SYNONYM MATCH:** Match the following synonyms from the article:

- |                 |                |
|-----------------|----------------|
| a. late         | wholeheartedly |
| b. bid          | questionable   |
| c. recoup       | win back       |
| d. shady        | attempt        |
| e. arm          | fruitless      |
| f. resort       | stipulations   |
| g. in vain      | alternative    |
| h. provisions   | deceased       |
| i. transparency | division       |
| j. flatly       | openness       |

**3. PHRASE MATCH:** Match the following phrases from the article (sometimes more than one combination is possible):

- |                                  |  |
|----------------------------------|--|
| a. relatives of the late         | using shady accounting practices         |
| b. in a bid to recover more than | have been in vain                        |
| c. Lawyers acting                | firm over their legal arguments          |
| d. fraudulently hidden           | \$54 million in alleged unpaid royalties |
| e. prompting                     | reach an out-of-court settlement         |
| f. standing                      | contractual interpretation               |
| g. tried his utmost to           | band members                             |
| h. our efforts                   | account fairly and with transparency     |
| i. obligations and duty to       | on behalf of the ex-Beatles              |
| j. you can get issues of         | the decision to seek legal redress       |

## WHILE READING / LISTENING

**GAP FILL:** Put the words in the column on the right into the gaps in the text.

### The Beatles sue EMI for \$50 million

The \_\_\_\_\_ members of The Beatles and relatives of the \_\_\_\_\_ band members, John Lennon and George Harrison, are suing EMI, their former record company, in a bid to recover more than \$54 million in \_\_\_\_\_ unpaid royalties. Lawyers acting on behalf of the ex-Beatles have started legal \_\_\_\_\_, both in London and New York courts, to \_\_\_\_\_ the cash they maintain EMI has fraudulently hidden using shady accounting practices. The deficit was found after an \_\_\_\_\_ of Apple Corp, the Beatles' commercial arm, two years ago. Negotiations between Apple Corp and EMI have failed to \_\_\_\_\_ the issue, prompting the decision to seek legal \_\_\_\_\_. Apple won the last court battle between the two in 1991, when it prevented EMI from releasing an album box set on CD.

Both parties in the latest dispute are \_\_\_\_\_ firm over their legal arguments. Apple Corp boss Neil Aspinall said he had tried his \_\_\_\_\_ to reach an out-of-court settlement with EMI and that court was his last \_\_\_\_\_. "We have tried to reach a settlement through good \_\_\_\_\_ negotiations and regret that our efforts have been in \_\_\_\_\_," he said. He insisted that: "Despite very clear provisions in our contracts, EMI persists in ignoring their obligations and duty to account fairly and with transparency." EMI \_\_\_\_\_ rejects Apple Corp's claim for unpaid royalties. A company spokeswoman told the Reuters news agency: "Sometimes there are differences of \_\_\_\_\_, especially when the contracts are large and complex, when you can get issues of contractual \_\_\_\_\_."

*audit*

*late*

*proceedings*

*redress*

*surviving*

*resolve*

*alleged*

*recoup*

*vain*

*resort*

*interpretation*

*opinion*

*standing*

*faith*

*utmost*

*flatly*

## **LISTENING**

Listen and fill in the spaces.

### **The Beatles sue EMI for \$50 million**

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Both parties in the latest \_\_\_\_\_ are standing firm over their legal arguments. Apple Corp boss Neil Aspinall said he had tried his \_\_\_\_\_ to reach an out-of-court settlement with EMI and that court was his last \_\_\_\_\_: "We have tried to reach a settlement through good faith negotiations and regret that our efforts have been \_\_\_\_\_," he said. He insisted that: "Despite very clear \_\_\_\_\_ in our contracts, EMI persists in ignoring their obligations and duty to account fairly and with transparency." EMI \_\_\_\_\_ rejects Apple Corp's claim for unpaid royalties. A company spokeswoman told the Reuters news agency: "Sometimes there are differences of opinion, especially when the contracts are large and complex, when you can get issues of contractual \_\_\_\_\_."

## **AFTER READING / LISTENING**

**1. WORD SEARCH:** Look in your dictionaries / computer to find collocates, other meanings, information, synonyms ... for the words **'record'** and **'company'**.

- Share your findings with your partners.
- Make questions using the words you found.
- Ask your partner / group your questions.

**2. ARTICLE QUESTIONS:** Look back at the article and write down some questions you would like to ask the class about the text.

- Share your questions with other classmates / groups.
- Ask your partner / group your questions.

**3. GAP FILL:** In pairs / groups, compare your answers to this exercise. Check your answers. Talk about the words from the activity. Were they new, interesting, worth learning...?

**4. VOCABULARY:** Circle any words you do not understand. In groups, pool unknown words and use dictionaries to find their meanings.

**5. STUDENT "BEATLES" SURVEY:** In pairs / groups, write down questions about The Beatles, the music industry and record companies.

- Ask other classmates your questions and note down their answers.
- Go back to your original partner / group and compare your findings.
- Make mini-presentations to other groups on your findings.

**6. TEST EACH OTHER:** Look at the words below. With your partner, try to recall exactly how these were used in the text:

- |           |           |
|-----------|-----------|
| • late    | • firm    |
| • bid     | • resort  |
| • recoup  | • vain    |
| • arm     | • duty    |
| • redress | • flatly  |
| • box     | • complex |

## **DISCUSSION**

### STUDENT A's QUESTIONS (Do not show these to student B)

- a. Did the headline make you want to read the article?
- b. What do you think of The Beatles?
- c. Why do you think the band has achieved such iconic status?
- d. A leading London orchestra once said The Beatles' music is as good as Beethoven's or Mozart's. What do you think about this?
- e. Do you have a favorite member of The Beatles?
- f. Who do you think is the greater person, John Lennon or George W. Bush?
- g. Have you ever wanted to sue someone?
- h. Have you ever been involved in a court case?
- i. What things have you done in your life that have been as a last resort?
- j. Have you ever put a lot of effort into something only to find out it was all in vain?

### STUDENT B's QUESTIONS (Do not show these to student A)

- a. Did you like reading this article?
- b. What do you think about what you read?
- c. Do you think The Beatles will win its court battle against EMI?
- d. Why do you think Apple Corp is suing EMI in two different countries?
- e. What happens if EMI wins in New York but loses in London?
- f. How can it be possible that two large companies could not settle this dispute out of court?
- g. Who do you want to win the court cases and why?
- h. Do you think record companies always treat their artists fairly?
- i. Why do you think the comment from the EMI spokeswoman is a little vague?
- j. Did you like this discussion?

**AFTER DISCUSSION:** Join another partner / group and tell them what you talked about.

- a. What was the most interesting thing you heard?
- b. Was there a question you didn't like?
- c. Was there something you totally disagreed with?
- d. What did you like talking about?
- e. Which was the most difficult question?



## SPEAKING

**MY TOP FIVE:** In the table below, write the names of your top five all-time favorite bands or artists. State your reasons for liking them. How have they influenced your life? How have they contributed to the music industry? What is your favorite song from each artist and why?

FAVE BAND / ARTIST	REASONS	MY LIFE	MUSIC INDUSTRY	FAVE SONG / TUNE
_____				
_____				
_____				
_____				
_____				

Tell your partner(s) about the information you put in the table. Comment on each other's choices.

Change partners and talk about what you heard from your earlier partners.

Was there an artist / band that was a class favorite?

## **HOMEWORK**

**1. VOCABULARY EXTENSION:** Choose several of the words from the text. Use a dictionary or Google's search field (or another search engine) to build up more associations / collocations of each word.

**2. INTERNET:** Search the Internet and find more information on The Beatles. Share your findings with your class in the next lesson. Did you all find out similar things?

**3. BEATLES SONG:** Choose a Beatles song\* and write an essay about it. Explain what you like about it. Write about the meaning of the lyrics. Show your essay to your classmates in the next lesson. Did anyone choose the same song?

**4. THE GREATEST:** Write an article for an international music magazine about who you think are the five most important bands / recording artists of all time. You can focus on international artists or those famous only in your own country. Give reasons for your choices. Show what you wrote to your classmates in the next lesson. Does everyone agree with your top five?

\*Your favorite song from another artist / band is OK if you don't like The Beatles.

## ANSWERS

### TRUE / FALSE:

a. T      b. T      c. F      d. T      e. F      f. F      g. F      h. T

### SYNONYM MATCH:

a. late	deceased
b. bid	attempt
c. recoup	win back
d. shady	questionable
e. arm	division
f. resort	alternative
g. in vain	fruitless
h. provisions	stipulations
i. transparency	openness
j. flatly	wholeheartedly

### PHRASE MATCH:

a. relatives of the late	band members
b. in a bid to recover more than	\$54 million in alleged unpaid royalties
c. Lawyers acting	on behalf of the ex-Beatles
d. fraudulently hidden	using shady accounting practices
e. prompting	the decision to seek legal redress
f. standing	firm over their legal arguments
g. tried his utmost to	reach an out-of-court settlement
h. our efforts	have been in vain
i. obligations and duty to	account fairly and with transparency
j. you can get issues of	contractual interpretation

### GAP FILL:

#### The Beatles sue EMI for \$50 million

The **surviving** members of The Beatles and relatives of the **late** band members, John Lennon and George Harrison, are suing EMI, their former record company, in a bid to recover more than \$54 million in **alleged** unpaid royalties. Lawyers acting on behalf of the ex-Beatles have started legal **proceedings**, both in London and New York courts, to **recoup** the cash they maintain EMI has fraudulently hidden using shady accounting practices. The deficit was found after an **audit** of Apple Corp, the Beatles' commercial arm, two years ago. Negotiations between Apple Corp and EMI have failed to **resolve** the issue, prompting the decision to seek legal **redress**. Apple won the last court battle between the two in 1991, when it prevented EMI from releasing an album box set on CD.

Both parties in the latest dispute are **standing** firm over their legal arguments. Apple Corp boss Neil Aspinall said he had tried his **utmost** to reach an out-of-court settlement with EMI and that court was his last **resort**: "We have tried to reach a settlement through good **faith** negotiations and regret that our efforts have been in **vain**," he said. He insisted that: "Despite very clear provisions in our contracts, EMI persists in ignoring their obligations and duty to account fairly and with transparency." EMI **flatly** rejects Apple Corp's claim for unpaid royalties. A company spokeswoman told the Reuters news agency: "Sometimes there are differences of **opinion**, especially when the contracts are large and complex, when you can get issues of contractual **interpretation**."