

Letters and the law

Misuse of “CMA (AAMA)” and “CMA” can have legal consequences



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It has been brought to our attention that some medical assistants who do not hold the CMA (AAMA) credential awarded by the Certifying Board of the American Association of Medical Assistants (AAMA) are using the initialisms “CMA (AAMA)” or “CMA” after their names. It has also been reported that some employers are permitting their medical assisting employees to misuse the “CMA (AAMA)” or “CMA” designations.

The AAMA owns Registration Number 4,510,101 issued by the United States Patent and Trademark Office (USPTO) for the certification mark “CMA (AAMA).” This mark is on the USPTO Principal Register, and the certificate of registration for the mark states the following:

The certification mark, as intended to be used by authorized persons, is intended to certify that the services have been provided by persons who have demonstrated a particular level of competency in the field of medical assistant services by having met certain educational standards for medical assistant services set by the certifier and having passed an examination administered by the certifier.¹

The USPTO defines a certification mark as follows:

A certification mark is any word, phrase, symbol or design, or a combination thereof, owned by one party who certifies the goods and services of others when they meet certain standards. The owner of the mark exercises control over the use of the mark; however, because the sole purpose of a certification mark is to indicate that

certain standards have been met, use of the mark is by others.²

This definition clarifies the fact that the Certifying Board of the AAMA has the authority to determine which individuals may use the CMA (AAMA) designation,

Using the phrase “Certified Medical Assistant” to describe a medical assistant who has not earned a CMA (AAMA) credential from the Certifying Board of the American Association of Medical Assistants is both incorrect and a matter of intellectual property law.

and which individuals are forbidden from using the CMA (AAMA) initialism.

Note also the following from the USPTO website³:

What are the benefits of federal trademark registration?

Owning a federal trademark registration on the Principal Register provides several advantages, including:

- Public notice of your claim of ownership of the mark;
- A legal presumption of your ownership of the mark and your exclusive right to use the mark nationwide on or in connection with the goods/services listed in the registration;
- The ability to bring an action concerning the mark in federal court;
- The use of the U.S. registration as a basis to obtain registration in foreign countries;
- The right to use the federal registration symbol ®; and
- Listing in the United States Patent and Trademark Office’s online databases.

The predecessor credential to the CMA (AAMA) was the CMA. Because of the

decades of use of the CMA initialism in interstate commerce, the AAMA has common law rights in the “CMA” designation. Consequently, any individual who refers to herself or himself as a “CMA (AAMA)” or a “CMA” and is not certified by the Certifying

Board of the AAMA is doing so falsely, and may be in jeopardy of legal sanctions.

The AAMA urges all medical assistants who are misusing the CMA (AAMA) or CMA initialisms, and all employers who are permitting their medical assisting employees to do so, to cease and desist immediately. The AAMA also requests that any instances of such misuse be brought to our attention. ♦

References

1. American Association of Medical Assistants. CMA (AAMA). US Registration Number 4,510,101. April 8, 2014.
2. What is a certification mark? Frequently asked questions about trademarks. United States Patent and Trademark Office. http://www.uspto.gov/faq/trademarks.jsp#_Toc275426676. Updated April 23, 2013. Accessed July 23, 2014.
3. What are the benefits of federal trademark registration? Frequently asked questions about trademarks. United States Patent and Trademark Office. http://www.uspto.gov/faq/trademarks.jsp#_Toc275426681. Updated April 23, 2013. Accessed July 23, 2014.

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