

## **Guidelines for the Proper Use of the CMC Certification Mark**

### **I. Introduction**

The Institute of Management Consultants USA, Inc. (IMC-USA) owns the CMC certification mark. Proper use of the CMC certification mark will help ensure that the mark remains a valuable asset of IMC-USA.

IMC-USA has developed the following guidelines for IMC-USA staff and members who are engaged in preparing IMC publications, documents, advertising copy and the like (whether in printed or electronic form) and who are otherwise in positions of responsibility to oversee and control the mark's usage.

These Guidelines provide a brief overview of certification marks, explain how registrations for certification marks may be cancelled, and identify some simple rules to be followed to ensure proper use and protection of the CMC certification mark.

### **II. Certification Marks-Background**

A "certification mark" is a word or symbol used by a person, *other than the owner of the mark*, to certify the origin, quality, accuracy or other characteristics of the person's goods or services. Certification marks are often used as symbols of quality, to confirm that the owner of a certified good or the certified service provider has met specific standards set by the organization that owns the certification mark. An example of a well-known certification mark is the Good Housekeeping "Seal of Approval", which verifies the quality of particular goods. In IMC-USA's case, consultants who have successfully met IMC-USA's standards for designation as a "certified management consultant" may use the CMC certification mark. Provided that the certification mark is properly used and maintained, it can be protected indefinitely, which will be of great value not only to IMC-USA but also to management consultants who seek to be professionally certified and to the public.

### **III. Cancellation of Registrations for Certification Marks**

While the law protects certification marks, it also requires certification mark owners to comply with certain rules. Non-compliance with these rules could result in loss of the certification mark. The result could be that the mark could be freely used by anyone, whether or not they had satisfied the CMC criteria or been awarded certification by IMC-USA. The Federal Trade Commission or any third party that believes it will be damaged by the registration of a certification mark may seek to cancel the registration on any of the following grounds:

**(a) IMC-USA does not control or is not able to control use of the mark;**

A certification mark owner must control use of the mark. Accordingly, IMC-USA must prohibit use of the CMC mark by those who have not met the standards for certification established by IMC-USA. Additionally, IMC-USA must ensure that those individuals who are authorized to use the CMC mark use it correctly and refrain from using it for any purpose other than to certify to the public that they have been awarded the “certified management consultant” designation by IMC-USA.

A common pitfall for certification mark owners is permitting certified individuals to use the mark for purposes other than certification. For example, use of the mark CMC after a certified individual’s name on business cards and other advertising, marketing or promotional materials often signifies the individual’s title or degree (e.g., John Doe, MD or Mary Smith, CPA). If the purchasing public comes to recognize CMC as a title or degree earned by the individual rather than as a mark certifying the quality of the services offered by the certified individual, third parties may challenge IMC-USA’s CMC certification mark or may seek the cancellation of the CMC registration on the grounds that it is not a certification mark, but rather merely a title or a degree. Thus, IMC-USA must be vigilant in assuring that use of the CMC certification mark after an individual’s name does not become confused in the public’s mind as merely a title or degree.

This effort may be advanced in many ways including highlight the distinction:

1. in written materials about the CMC;
2. in the CMC application;
3. in IMC-USA Times;
4. in any guidelines for the use of the mark that are distributed to CMCs; and
5. in periodic press placements or ads.

**(b) IMC-USA engages in the production or marketing of goods or services to which the certification mark is applied;**

A certification mark owner, such as IMC-USA, cannot itself provide management consulting services to which the certification mark is applied. Only actual providers of such services that have been certified by the mark’s owner may use the mark. However, IMC-USA may use the certification mark in its advertising or promotion of the certification program itself. Additionally, IMC-USA may supply labels, stickers, stamps or pins bearing the certification mark to individuals authorized to use the mark in connection with their own promotional or advertising materials.



- (c) **IMC-USA refuses, in a discriminatory way, to certify or continue to certify the goods or services of a person who meets the standards or conditions that the mark certifies.**

The function of a certification mark is to certify the quality, accuracy or other characteristic of the goods or services with which it is used. Certification marks do not signify whether individuals authorized to use the mark are related to one another through membership in a collective group. Instead, the certification mark must be applied objectively to those who meet IMC-USA's standards for certification.

This distinction is particularly important with respect to IMC-USA's certification fees. IMC-USA may charge certified management consultants an annual fee for both membership in IMC-USA and for the right to use the CMC mark. It may not be permissible, however, for IMC-USA to prohibit use of the CMC certification mark merely for non-payment of such fees if the individual otherwise meets all of IMC-USA's objective standards for certification. In light of this prohibition against discriminatory refusals, careful review of all relevant circumstances should be made prior to refusing CMC certification for non-payment of fees. In addition, consideration should be given to separate fees, one for membership and one for certification, to protect the CMC mark as a certification mark.

#### **IV. Correct Use of Certification Marks**

Formal compliance with the legal obligations imposed on certification mark owners is key to protecting the mark. As a practical matter, compliance should begin internally with correct use of a certification mark in conversation and written documentation. Correct internal use will help ensure correct use externally by authorized certified management consultants.

The following rules should be observed at all times to preserve IMC-USA's rights in the CMC certification mark:

##### **1. Use Proper Certification Mark Notice**

###### **a. Federally Registered Certification Marks**

Proper certification mark notice will help enforce IMC-USA's rights to the CMC mark. Once the certification mark is registered, one of the following three notices should be used in conjunction with the mark: (1) "CMC is a registered certification mark of IMC-USA"; (2) "Registered in U.S. Patent and Trademark Office" (or the abbreviated version, "Reg. U.S. Pat. & TM Off."); or (3) simply "®."

If IMC-USA decides to use the first type of notice, the notice should appear near the mark, the first time the mark appears.

Example:

**See Exhibit A**

If IMC-USA uses the CMC mark on large displays or signs, it may be more practical to simply use the ® registration symbol adjacent to the mark. The notice should be positioned directly next to or slightly below the last letter of the registered mark (e.g., CMC®).

Example:

**See Exhibits B and C**

The registration notices should not be used unless the mark is federally registered. Unauthorized use of the ® symbol or a claim that the mark is “registered” is unlawful and could impair IMC-USA’s ability to protect its mark.

b. Trademark Notice Outside the United States

If materials containing a certification mark are to be distributed outside the United States, they will almost always be subject to foreign trademark law. While most of the information in these Guidelines will remain appropriate, the notice requirements of certain foreign countries may differ substantially. For assistance with the proper form of the certification mark notice in other countries, you should consult legal counsel.

**2. Monitor Third Parties’ Trademark Usage**

If you discover third parties are misusing IMC-USA’s certification mark or have adopted a mark that may be confused with IMC-USA’s certification mark, you should inform legal counsel. A failure to act when others use confusingly similar marks can result in the loss of IMC-USA’s certification mark.

**3. Consult Legal Counsel for Approval and Inquiries**

Legal counsel should be consulted for approval of each new use of IMC-USA’s certification mark and before any use of a new certification mark or trademark. Any questions concerning proper use of or reference to certification marks and trademarks as well as all questions from third parties regarding IMC-USA’s certification mark should be referred to legal counsel.

## **V. Conclusion**

An occasional improper use will not result in the cancellation of IMC-USA's certification mark. Widespread improper use, however, can cause the CMC mark to lose its strength and reliability as a symbol of certification. As a result, the public's confidence in the mark and in the services provided by "Certified Management Consultants" could be diminished.

The CMC mark is a very valuable marketing tool and corporate asset of IMC-USA. By following these Guidelines, IMC-USA can protect its certification mark and increase its value as a symbol of quality for consumers of consulting services.

**Revised April 29, 2002**

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GARDNER CARTON & DOUGLAS

MEMORANDUM

Via E-Mail

<b>TO:</b>	E. Michael Shays, CMC, FIMC	<b>cc:</b>	Norman Eckstein, CMC Baldwin Tom, CMC, Ph.D.
<b>FROM:</b>	Alex W. Zabrosky		David W. Rohn Lisa Burdige
<b>DATE:</b>	May 3, 2002		Tina D. Kourasis
<b>SUBJ:</b>	Guidelines for the Proper Use of the CMC Mark ("Guidelines")		

Michael –

Good to see you at National.

Per your request, attached is a copy of the Guidelines.

I suggest you or Baldwin or Norm or somebody provide a copy of this to the relevant person at the College of CMCs.

Any questions, please call.

P.S. Please remember to send me the updated By-laws. Thanks.