

43-01 P U D T**Authority of Acceptance or Rejection of Written Withdrawal**

When a written withdrawal is submitted, an authority of acceptance or rejection lies with administrative judges of a panel.

After being appointed, a panel should make efforts in the proceedings to the end of the case. Therefore, when a written withdrawal which is a basis of determination whether to discontinue or continue the proceedings of the case is submitted, a panel determines acceptance or rejection of the written withdrawal.

(Court precedent)

“It is apparent from the record that an appellant alleges in the original appeal procedures: although an appellee has withdrawn the demand for invalidation trial of the case at first instance, it is illegal that a trial decision on validity of the registration is made by the first instance. Whether or not the demand has been withdrawn should be willing to investigate by the original trial even without claiming of the parties. Since the parties claim this matter, it is needless to say that this point should be found at first” ((1947 (O) 11) Judgment of the Tokyo High Court, May 28, 1948).

(Revised Feb. 2015)