

8

國立東華大學招生考試試題 第 1 頁，共 2 頁

招生學年度	101	招生類別	碩士班
系所班別	財經法律研究所碩士班		
科目	專業語文測驗		
注意事項	滿分為 60 分；中英文綜合命題		

一、名詞翻譯

(1).中翻英 (10%)

1. 憲法 2. 保險契約 3. 債權人 4. 獨占事業 5. 信賴保護原則

(2).英翻中 (10%)

1. Fair use 2. Extinctive Prescription 3. The debtor 4. License
5. Torts

二、全文翻譯

(1). If a person has wrongfully damaged to the body, health, reputation, liberty, credit, privacy or chastity of another, or to another's personality in a severe way, the injured person may claim a reasonable compensation in money even if such injury is not a purely pecuniary loss. If it was reputation that has been damaged, the injured person may also claim the taking of proper measures for the rehabilitation of his reputation. The claim of the preceding paragraph shall not be transferred or inherited, except a claim for compensation in money has been promised by contract or has been commenced. (10%)

(2). At the time a contract is entered into, the proposer shall make truthful representations in response to the written inquiries of the insurer. If the proposer has made any willful concealment, nondisclosure through its own fault, or misrepresentation, and such concealment, nondisclosure, or misrepresentation is sufficient to alter or diminish the insurer's estimation of the risk to be undertaken, the insurer may rescind the contract; the same shall apply after the risk has occurred, provided that this provision does not apply where the proposer proves that the occurrence of the risk was not based upon any fact that it did or did not represent. (10%)

招生學年度	101	招生類別	碩士班
系所班別	財經法律研究所碩士班		
科目	專業語文測驗		
注意事項	滿分為 60 分；中英文綜合命題		

(3). The owner of a registered trademark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described above shall not prejudice any existing prior rights, nor shall they affect the possibility of Members making rights available on the basis of use. (10%)

(4). When a university makes administrative decisions or other public authority measures for realizing educational purposes of seeking academic truth and cultivating talents or for maintaining the campus order, if the decisions or measures infringe the student's right to education or other constitutional rights, even if the decisions or measures are not expulsions or similar decisions, based on the mandate that where there is a right, there is a remedy under Article 16 of the Constitution, the student whose right has been infringed shall be allowed to bring administrative appeal and litigation and there is no need to place special restrictions. (10%)