

科目：語文能力（財經法律英文 50%） 系所組：財經法律學系碩士班

(26-50 題)

I. Please read the following paragraphs and answer Questions 26-31

Liquidated damages clauses provide for one party to make a specified payment to the other party upon the occurrence of certain events. Examples include the following:

Example 1: An equipment lease agreement requiring the defaulting lessee to pay a lump sum calculated by estimating the decrease in rent that the lessor will receive upon re-leasing the property.

Example 2: A severance payment under an employment agreement to an employee who is terminated other than for good cause.

26. The person who has possessory interest in property under a lease is called (A) landlord (B) lessor (C) lessee (D) renter.
27. In Example 1, why the lessee has to pay a lump sum to the lessor? Because (A) the lessee breached the lease (B) the lessor failed to perform his/her duty (C) the equipment was destroyed by the lessee (D) we do not know.
28. In Example 2, what is a "severance payment"? (A)慰問金 (B)紅利 (C)退休金 (D)離職金.
29. In Example 2, which one of the followings is the antonym of "terminate"? (A) end (B) discontinue (C) cease (D) start.
30. In Example 2, what does "termination other than for good cause" mean? (A) termination without reasonable reason (B) termination with good justification (C) termination at employee's will (D) termination with cause.
31. What is "liquidated damage"? (A) 懲罰賠償金 (B) 連帶賠償金 (C) 定金 (D) 預定違約金.

II. Please answer the following questions:

32. The person instructing an agent is called (A) a principle (B) a principal (C) an agency (D) a transferee.
33. Please choose the word which is the odd one out. (A) responsibility (B) duty (C) obligation (D) discretion.
34. Many small shareholders do not bother to attend shareholders' meetings and will often receive _____ circulars from the board, seeking authorization to vote on behalf of the shareholders. (A) summon (B) proxy (C) solicitation (D) minute.
35. _____ is a form of corporate divestiture that results in a division of a corporation becoming an independent company. (A) Merger (B) Consolidation (C) Spin-off (D) Dissolution.
36. A practice of registering internet domain names that are associated with another company and then demanding payment from that company through the sale or licensing of that domain name is so-called (A) cybersquatting (B) fair use (C) piracy (D) compulsory licensing.
37. _____ agreement forces the buyer to purchase a second product when the buyer purchases the first product. (A) Dumping (B) No shopping (C) Tie-in (D) Exclusive.

※ 注意：1. 考生須在「彌封答案卷」上作答。

2. 本試題紙空白部份可當稿紙使用，試題須隨答案卷繳回。

3. 考生於作答時可否使用計算機、法典、字典或其他資料或工具，以簡章之規定為準。

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38. The process of taking possession of a mortgaged property as a result of the mortgagor's failure to keep up mortgage payments is called (A) cancellation (B) foreclosure (C) trespass (D) encumbrance.
39. Please choose the word which is the odd one out. (A) common law (B) case law (C) judge-made law (D) civil law.
40. Please choose the word which is the odd one out. (A) contingent on (B) unconditional (C) subject to (D) dependent on.
41. Which one of the following Latin term means "beyond the legal powers of a person or a body"? (A) de facto (B) inter alia (C) pro rata (D) ultra vires.
42. Which one of the following Latin term means "by the very fact itself"? (A) de facto (B) inter alia (C) pro rata (D) ultra vires.
43. Which one of the following Latin term means "able to exercise one's own legal rights"? (A) ad hoc (B) per se (C) sui juris (D) ipso facto.
44. Negotiable instruments are documents which represent an intangible right of payment, such as promissory note. The word "negotiable" here can be BEST replaced by the word (A) transferable (B) fixed (C) bona-fide (D) irresistible.
45. Article 2 of this agreement ____ the confidential obligations of the parties. (A) stipulates (B) proscribes (C) takes (D) gives.
46. ____ is an official order from a court for a person to stop doing something. (A) Complaint (B) Injunction (C) Answer (D) Motion.
47. A group of similar independent companies who agree to join together to control prices and limit competition is called (A) monopoly (B) oligopoly (C) merger (D) cartel.
48. A warranty that the goods being sold are suitable for the purpose for which the buyer is purchasing them is called (A) warranty of title (B) warranty of fitness (C) express warranty (D) implied warranty.
49. The appellate court affirmed that a patent was invalid, and thus could not be infringed. Which one of the followings is the antonym of "invalid" (A) void (B) non-binding (C) vain (D) valid.
50. Following the preceding question, the word "infringed" can be BEST replaced by the word (A) trespassed (B) constituted (C) registered (D) reserved.

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