

科目	法律英文	適用系所	財經法律研究所法律學組	時間	100分鐘
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※請務必在答案卷作答區內作答。

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Instruction:

In Part I and Part II, there are 25 multiple-choice questions in total. Please read the question carefully and select "ONE" correct answer in the answer sheet. For Part III, please translate following paragraphs into Chinese.

Part I: Lexicons (20%): 2 points for each correct answer.

[1] In order to lower the criminal rate, the government has responded "____" a variety of punitive measures against criminal offenders.

1. The word "lower" can "NOT" be replaced by which of the following word?

- (A) Reduce
- (B) Diminish
- (C) Increase
- (D) Decrease

2. The blank "____" can be filled with which of the following preposition?

- (A) In
- (B) With
- (C) At
- (D) Over

3. The phrase "a variety of" can be replaced by which of the following word?

- (A) Numerous
- (B) Scant
- (C) Little
- (D) Small

[2] A new study indicated that diet soda drinkers are more likely to suffer "____" vascular complications.

4. The term "study" can be replaced by which of the following word?

- (A) Homework
- (B) Learning
- (C) Effort
- (D) Research

5. The term "indicated" can be replaced by which of the following word?

- (A) Revealed
- (B) Renewed
- (C) Responded
- (D) Reduced

6. The blank "____" can be filled with which of the following preposition?

- (A) To
- (B) In
- (C) Of
- (D) From

[3] In 1998, the United States passed the Child Online Protection Act in order to restrict minors' access “___” any material defined as harmful to minors on the Internet.

7. What does the word “Act” mean in above context?
 - (A) Law
 - (B) Guideline
 - (C) Regulation
 - (D) Adjudication
8. The blank “___” can be filled with which of the following preposition?
 - (A) To
 - (B) In
 - (C) From
 - (D) Of
9. The term “minors” can be replaced by which of the following word?
 - (A) Adults
 - (B) Officers
 - (C) Majors
 - (D) Teenagers

[4] The United States and Singapore signed a Free Trade Agreement on May 6, 2003, which entered into force on January 1, 2004.

10. The phrase “entered into force” can be replaced by which of the following?
 - (A) Was compelled
 - (B) Was effective
 - (C) Ceased to be effective
 - (D) Became invalid

Part II: Reading Comprehension (45%): 3 points for each correct answer.

[5] There are a number of ways of looking at the World Trade Organization (WTO). It is an organization for trade opening. It is a forum for governments to negotiate trade agreements. It is a place for them to settle trade disputes. It operates a system of trade rules. Essentially, the WTO is a place where member governments try to sort out the trade problems they face with each other. [WTO website: http://www.wto.org/english/thewto_e/whatis_e/who_we_are_e.htm].

11. The term “forum” can be replaced by which of the following word?
 - (A) Tribunal
 - (B) Court
 - (C) Platform
 - (D) Playground
12. The phrase “sort out” can “NOT” be replaced by which of the following?
 - (A) Cope with
 - (B) Get away with
 - (C) Deal with
 - (D) Handle with
13. Which of the following is “NOT” the function of the WTO?
 - (A) Solve the trade controversy
 - (B) Monitor and implement the trade rules
 - (C) Formulate the multilateral trade rules
 - (D) Launch the armed force against its member who violates the trade rules.

14. Which of the following statement “IS” correct?

- (A) The WTO is a non-governmental organization.
- (B) Promoting trade liberalization is one of the goals of the WTO.
- (C) The trade agreements were concluded and signed by transnational corporations.
- (D) Private individuals and entities can be the member of the WTO.

[6] Wider implementation of policies is needed to save lives and reduce the health impact of harmful alcohol drinking, says a new report launched today by WHO. Harmful use of alcohol results in the death of 2.5 million people annually, causes illness and injury to many more, and increasingly affects younger generations and drinkers in developing countries. Harmful use of alcohol is defined as excessive use to the point that it causes damage to health and often includes adverse social consequences. ... The Global Strategy to reduce the harmful use of alcohol, endorsed by WHO's Member States in May 2010, promotes a range of proven effective measures for reducing alcohol-related harm. These include taxation on alcohol to reduce harmful drinking; reducing availability through allowing fewer outlets to sell alcohol, raising age limits for those buying and using effective drink-driving measures. The Global Strategy also promotes the screening and brief interventions in healthcare settings to change hazardous patterns of drinking, and treatment of alcohol use disorders; regulating or banning marketing of alcoholic beverages; and conducting information and educational campaigns in support of effective policy measures. [WHO website: http://www.who.int/mediacentre/news/releases/2011/alcohol_20110211/en/index.html].

15. What is the subject of the regulated product indicated in above paragraph?

- (A) Drug and Medicine
- (B) Textile and Clothing
- (C) Wine and Liquor
- (D) Tobacco and Cigarette

16. What does the word “implementation” mean in above paragraph?

- (A) Ambition
- (B) Plantation
- (C) Transplantation
- (D) Enforcement

17. What does the word “annually” mean in above paragraph?

- (A) Every year
- (B) Every two year
- (C) Every day
- (D) Every month

18. Which of the following measures is “NOT” effective as suggested by the WHO?

- (A) Raising the tax
- (B) Banning the drink-driving behavior
- (C) Restricting the retail store
- (D) Lowering the age limit for buying

[7] Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. IP is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs. The innovations and creative expressions of indigenous and local communities are also IP, yet because they are “traditional” they may not be fully protected by existing

IP systems. Access to, and equitable benefit-sharing in, genetic resources also raise IP questions. Normative and capacity-building programs are underway at WIPO to develop balanced and appropriate legal and practical responses to these issues [WIPO website: <http://www.wipo.int/about-ip/en/>]

19. Which of the following is “NOT” IP?
 (A) Real Estate
 (B) Copyright
 (C) Trademark
 (D) Patents
20. The term “categories” can be replaced by which of the following word?
 (A) Regions
 (B) Classifications
 (C) Functions
 (D) Departments
21. Which of the following statement is “NOT” correct?
 (A) Original paintings can be the subject of copyright.
 (B) The artist’s performance is also protected as related copyrights.
 (C) Traditional knowledge of aboriginals can be well protected by current IP rules.
 (D) Geographical indication of source is one type of the industrial properties.

[8] SUPREME COURT OF THE UNITED STATES
 BARBARA GRUTTER v. LEE BOLLINGER et al.
 [June 23, 2003]

Justice O’Connor delivered the opinion of the Court.

This case requires us to decide whether the use of race as a factor in student admissions by the University of Michigan Law School (Law School) is unlawful...

Petitioner Barbara Grutter is a white Michigan resident who applied to the Law School in 1996 with a 3.8 grade point average and 161 LSAT score. The Law School initially placed petitioner on a waiting list, but subsequently rejected her application. In December 1997, petitioner filed suit in the United States District Court for the Eastern District of Michigan against the Law School, the Regents of the University of Michigan, Lee Bollinger (Dean of the Law School from 1987 to 1994, and President of the University of Michigan from 1996 to 2002) ... Petitioner alleged that respondents discriminated against her on the basis of race in violation of **the Fourteenth Amendment**; ...

[T]he District Court concluded that the Law School’s use of race as a factor in admissions decisions was unlawful. Applying strict scrutiny, the District Court determined that the Law School’s asserted interest in assembling a diverse student body was not compelling because “the attainment of a racially diverse class ... was not recognized as such by *Bakke* and is not a remedy for past discrimination.” ... The District Court went on to hold that even if diversity were compelling, the Law School had not narrowly tailored its use of race to further that interest. The District Court granted petitioner’s request for declaratory relief and enjoined the Law School from using race as a factor in its admissions decisions.

The Court of Appeals entered a stay of the injunction pending appeal. Sitting *en banc*, the Court of Appeals reversed the District Court’s judgment and **vacated** the injunction. The Court of Appeals first held that Justice Powell’s opinion in *Bakke* was binding precedent establishing diversity as a compelling state interest. According to the Court of Appeals, Justice Powell’s opinion with respect to diversity comprised the controlling rationale for the judgment of this Court under the analysis set forth in *Marks v. United States*, 430 U.S. 188 (1977). The Court of Appeals also held that the Law School’s use of race was narrowly tailored because race was merely a “potential ‘plus’ factor” and because the Law School’s program was “virtually identical” to the Harvard admissions program described approvingly by Justice Powell and appended to his *Bakke* opinion.

Four dissenting judges would have held the Law School's use of race unconstitutional. Three of the dissenters, rejecting the majority's *Marks* analysis, examined the Law School's interest in student body diversity on the merits and concluded it was not compelling. The fourth dissenter, writing separately, found it unnecessary to decide whether diversity was a compelling interest because, like the other dissenters, he believed that the Law School's use of race was not narrowly tailored to further that interest.

We granted certiorari ... to resolve the disagreement among the Courts of Appeals on a question of national importance: Whether diversity is a compelling interest that can justify the narrowly tailored use of race in selecting applicants for admission to public universities. ... [*Grutter v. Bollinger*, 539 U.S. 306 (2003)].

22. The word "vacated" can "NOT" be substituted by which of the following term?
- (A) Avoided
 - (B) Annulled
 - (C) Affirmed
 - (D) Revoked
23. With respect to the term "*en banc*" and the composition of the Court of Appeals, which of the following statement "IS" correct?
- (A) There is only one judge deciding the case in the Court of Appeals.
 - (B) There are three judges deliberating the case in the Court of Appeals.
 - (C) There are five judges deliberating the case in the Court of Appeals.
 - (D) There are nine judges deliberating the case in the Court of Appeals.
24. Pursuant to the Fourteenth Amendment, what petitioner's constitutional right is alleged to be violated by the Law School?
- (A) Privacy
 - (B) Equal Protection
 - (C) Right to Health
 - (D) Freedom of Expression
25. Which of the following statement is "NOT" correct?
- (A) This case deals with the constitutionality of affirmative action involved with the Law School's admission program.
 - (B) The legal question the U.S. Supreme Court tried to resolve in this case is similar to the issue related to the principle of proportionality.
 - (C) The Court of Appeals unanimously held that the Law School's admission program is constitutional.
 - (D) The Court of Appeals held a different opinion from that by the District Court.

Part III: Translation (35%)

1. This Law is enacted for the purposes of maintaining trading order, protecting consumers' interests, ensuring fair competition, and promoting economic stability and prosperity. Unless otherwise provided in this Law, the provisions of other relevant laws shall apply. (15%) [TFTC website: <http://www.ftc.gov.tw/internet/english/doc/docDetail.aspx?uid=644&docid=11057>]
2. Any dispute, controversy, difference or claim arising out of, relating to or in connection with this contract, or the breach, termination or invalidity thereof, shall be finally settled by arbitration referred to the Chinese Arbitration Association, Taipei in accordance with the ROC Arbitration Law and the Arbitration Rules of the Association. The place of arbitration shall be in Taiwan. The arbitral award shall be final and binding upon both parties. (20%) [CAA website: <http://www.arbitration.org.tw/english/index-3.html>]