

招生學年度	102	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.不公平競爭 2.設計專利 3.連帶債務 4.原告 5.人壽保險

(2).英翻中 (10%)

1. Company Limited by Shares 2. The Likelihood of Confusion 3. Constitution Law
4. The loan for consumption 5. affiliated enterprises

二、全文翻譯

(1) A lease is a contract whereby the parties agree that one of them shall let the other party use a thing or collect profits therefrom and the latter shall pay a rental for it. The above rental may consist of money or of profits of the thing leased.

A lease of real property for a period exceeding one year shall be executed in writing. If it is not so executed in writing, it is deemed to have been made for an indefinite period. (10%)

(2) A company which holds a majority of the total number of the outstanding voting shares or the total amount of the capital stock of another company is considered the controlling company, while the said another company is considered the subordinate company.

If a company has a direct or indirect control over the management of the personnel, financial or business operation of another company, it is also considered the controlling company, and the said another company is considered the subordinate company. (10%)

(3) Where any advertising agency makes or designs any advertisement that it knows or should have known to be misleading, it shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. Where any advertising medium communicates or publishes any advertisement that it knows or should have known to be likely to mislead the public, it shall be jointly and severally liable with the principal of such advertisement for the damages arising therefrom. Where any endorser provides any testimonials that he knows or should have known to be likely to mislead the public, he shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. However, endorsers who are not celebrities, specialists or organizations shall be held jointly and severally liable with the advertiser for only up to 10 times of the reward they have received from the advertiser. (10%)

(4) The logical consequence of accepting the defendant's position would be the immunization from unfair competition liability of a company with a well-established trade name and with the economic power to advertise extensively for a product name taken from a competitor. If the law is to limit recovery to passing off, anyone with adequate size and resources can adopt any trademark and develop a new meaning for that trademark as identification of the second user's products. The activities of the defendant in this case are unquestionably unfair competition through an improper use of a trademark and that must be actionable. (10%)