

東吳大學 108 學年度博士班招生考試試題

第1頁，共1頁

系級	法律學系博士班	考試時間	100 分鐘
科目	法學英文	本科總分	100 分

一、名詞解釋：請以不超過 100 字之簡短中文解釋下列名詞（每題 4 分， 60%）

1. *Res ipsa loquitur*
2. Deposition
3. Representations & Warranties clause
4. service of subpoena
5. Merger clause
6. Statute of limitations
7. Diversity jurisdiction
8. Larceny
9. Option contract
10. Rules of Origin
11. first sale doctrine
12. Impeachment
13. attorney and client privilege
14. due diligence report
15. presumption of innocence

二、英翻中（每題 20 分， 40%）

1. Earlier this month, President Donald Trump significantly increased the tariffs, and Americans are now staring down the barrel of a 25% tax on everything imported from China. The Chinese are ready to return the favor by increasing taxes on \$60 billion of US exports. Is it really possible that taxes this high on one-fifth of US imports, coupled with crippling barriers to US exports, good for Americans? Common sense and mounting empirical evidence tell us no; these tariffs burden American households and producers and offer no relief from the problems they were supposed to solve.

2. European Union’s protections for platforms that host user-generated content were similar to those in the US Digital Millennium Copyright Act (DMCA). The DMCA sets out a notice and takedown process. Essentially, platforms aren’t liable for copyright infringement in uploaded content as long as they “expeditiously” take down that content when they receive a notice—and that notice fulfills DMCA requirements. Such protections are often referred to as a safe harbor for platforms. The EU Copyright Directive law could change these rules in a significant way for “online content sharing service providers,” and potentially push them to apply filtering technology to uploaded content.