

東吳大學 110 學年度博士班招生考試試題

第1頁，共2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

※一律作答於答案卷上(題上作答不予計分)；並務必標明題號，依序作答。

一、名詞解釋：請以 100 字以內之中文解釋下列名詞 (每題 5 分，共 50%)

1. forum non-conveniens
2. habeas corpus
3. summary judgement
4. bill of lading
5. false imprisonment
6. force majeure
7. jury instruction
8. stare decisis
9. consideration
10. ex post facto

二、英翻中 (每題 25 分，共 50%)

1. President Biden signed an Executive Order to improve the nation's cybersecurity and protect federal government networks. Recent cybersecurity incidents are a sobering reminder that U.S. public and private sector entities increasingly face sophisticated malicious cyber activity from both nation-state actors and cyber criminals. These incidents share commonalities, including insufficient cybersecurity defenses that leave public and private sector entities more vulnerable to incidents. This Executive Order makes a significant contribution toward modernizing cybersecurity defenses by protecting federal networks, improving information-sharing between the U.S. government and the private sector on cyber issues, and strengthening the United States' ability to respond to incidents when they occur. It is the first of many ambitious steps the Administration is taking to modernize national cyber defenses.
2. Mr Schwarz had applied to the City of Bochum (Germany) for a passport, but had refused at that time to have his fingerprints taken. After Bochum had rejected his application, Mr Schwarz brought an action before the Verwaltungsgericht Gelsenkirchen (Administrative Court, Gelsenkirchen, Germany) in which he requested that the municipality be ordered to issue him with a passport without taking his fingerprints. In the proceedings before that court, Mr Schwarz disputed the validity of Regulation (EC) No 2252/2004 14 which created the obligation to take the fingerprints of persons applying for passports, claiming, inter alia, that the regulation infringed the right to the protection of personal data and the right to respect for private life. The Court replied in the affirmative, ruling that, although the taking and storing of fingerprints by the national authorities which is governed by Article 1(2) of Regulation (EC) No 2252/2004 constitutes an infringement of the rights to respect for private life and the protection of personal data, that infringement is justified by the aim of protecting against any fraudulent use of passports.

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第2頁，共2頁

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