

102年公務人員特種考試外交領事人員及外交行政人員
考試、102年公務人員特種考試法務部調查局調查人員
考試、102年公務人員特種考試國家安全局國家安全情
報人員考試、102年公務人員特種考試民航人員考試、
102年公務人員特種考試經濟部專利商標審查人員考試試題

考 試 別：專利商標審查人員

等 別：三等考試

類 科 組：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆 在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 下列何者非屬司法院所設單位？
(A)行政訴訟及懲戒廳 (B)智慧財產廳 (C)少年及家事廳 (D)司法行政廳
- 2 依憲法增修條文之規定，政黨違憲之解散事項，應由下列那一機關組成憲法法庭審理？
(A)監察院 (B)行政法院 (C)一般高等法院 (D)司法院大法官
- 3 我國立法院會議，至少須有立法委員幾人出席，始得開會？
(A)立法委員總額三分之一出席 (B)立法委員總額二分之一出席
(C)立法委員總額三分之二出席 (D)不限人數
- 4 行政機關的行政行為以及其他一切行政活動均不得與法律牴觸，是為下列那一原則？
(A)信賴保護原則 (B)法律優位原則 (C)比例原則 (D)行政保留原則
- 5 主計總處係隸屬於下列何機關？
(A)總統府 (B)行政院 (C)監察院 (D)立法院
- 6 依憲法增修條文的規定，立法院得經全體立法委員多少比例之連署，對行政院院長提出不信任案？
(A)三分之一以上 (B)四分之一以上 (C)五分之一以上 (D)六分之一以上
- 7 下列有關宗教信仰自由之敘述，何者錯誤？
(A)任何人皆有選擇信仰宗教或不信仰宗教之自由 (B)國家得以法律對特定之宗教加以獎勵
(C)任何人皆有參與宗教活動與否的自由 (D)任何人皆有變更所信仰之宗教的自由
- 8 下列何者不屬於宗教自由之保障範圍？
(A)請求將某宗教創立人誕辰定為國定節日 (B)請求政府許可宗教團體設立電視頻道
(C)信仰「上帝創造人類」之信念 (D)請求設立宗教研修學院
- 9 國營事業員工對民營化政策不滿，上街頭示威，途中被警方制止，主要係涉及下列何項基本權利？
(A)結社自由 (B)集會遊行自由 (C)人身自由 (D)遷徙自由
- 10 依司法院大法官解釋之見解，我國憲法上有關大學自治之憲法依據為：
(A)言論自由 (B)講學自由 (C)著作自由 (D)出版自由
- 11 司法院大法官認為限制人身自由須合於下列何項原則？
(A)權力分立原則 (B)宗教自由原則 (C)判斷餘地原則 (D)正當法律程序原則
- 12 依司法院大法官解釋，下列何者非保障言論自由之目的？
(A)實現自我 (B)追求真理 (C)滿足人民知的權利 (D)滿足人民經濟上利益
- 13 下列何者並不享有言論自由？
(A)行政機關 (B)外國人
(C)中華電信股份有限公司 (D)大陸地區人民
- 14 依總統副總統選舉罷免法之規定，總統、副總統候選人得經由下列何種方式產生？
(A)公民連署 (B)立法委員絕對多數連署
(C)各級民意代表相對多數連署 (D)直轄市市議員相對多數連署
- 15 下列何者不是地方制度法規定之地方自治團體？
(A)鄉、鎮 (B)直轄市 (C)縣 (D)區
- 16 A 股份有限公司之董事長為甲，副董事長為乙，丙為總經理兼董事。現甲突然發生車禍昏迷住院，無法行使董事長職權，則此時應由何人代理董事長？
(A)乙 (B)丙 (C)董事互推一人代理 (D)應重新改選董事長

- 17 若某設籍於高雄市的貿易公司，拒絕給予休陪產假的員工工資，則員工得依性別工作平等法之規定向何單位提出申訴？
(A)地方同業公會 (B)高雄市政府 (C)行政院勞工委員會 (D)員工所屬工會
- 18 依勞工保險條例規定，下列何者屬勞工保險之給付種類？
(A)健檢給付 (B)失能給付 (C)失業給付 (D)育嬰給付
- 19 甲想殺乙，先將自己灌醉以壯膽，並於無責任能力的狀態下將乙砍死。下列敘述，何者錯誤？
(A)此即學說上所稱之原因自由行為
(B)我國刑法第 19 條第 3 項對此設有明文規定
(C)儘管行為人於砍殺時已喪失責任能力，仍應成立故意殺人既遂罪
(D)因行為人於砍殺時欠缺責任能力，法官應減輕其刑
- 20 有期徒刑如有減輕者，其減輕方法如何？
(A)沒有限制，由法官自行裁量如何減輕 (B)減輕其刑至二分之一
(C)減輕其刑至三分之一 (D)減輕其刑至四分之一
- 21 甲將設有抵押權之土地贈與 18 歲之乙，並將土地所有權移轉給乙，上開行為均未得乙之法定代理人之同意，請問下列何者正確？
(A)贈與契約有效，所有權移轉契約亦有效 (B)贈與契約有效，所有權移轉契約無效
(C)贈與契約無效，所有權移轉契約無效 (D)贈與契約無效，所有權移轉契約有效
- 22 甲未經乙之同意，擅自在乙之土地上種菜，該菜屬於何人所有？
(A)甲 (B)乙 (C)甲與乙分別共有 (D)甲與乙共同共有
- 23 以所有之意思，和平、公然、繼續占有他人之動產，其占有之始為善意並無過失者，至少需經過幾年，占有人才能取得其所有權？
(A)三年 (B)五年 (C)十年 (D)二十年
- 24 依性別工作平等法之規定，雇主若應給予受僱者哺乳之時間，下列敘述，何者正確？
(A)受僱者之哺乳時間，視為工作時間
(B)雇主應每日給予哺乳時間二次，每次以十分鐘為度
(C)雇主應每周給予哺乳時間二次，每次以三十分鐘為度
(D)子女未滿六個月須受僱者親自哺乳者，除休息時間外，雇主應另外給予哺乳時間
- 25 甲醫院在預先制定之手術同意書中載有，手術失敗醫院縱有重大過失亦不負賠償責任之條款，此約款之效力如何？
(A)有效 (B)無效 (C)效力未定 (D)得撤銷
- 26 行政程序法明定書面行政處分應記載事項，此為何種法律原則之具體表現？
(A)依法行政原則 (B)明確性原則 (C)比例原則 (D)誠信原則
- 27 下列何項行為為合法之著作利用行為？
(A)以 101 大樓為背景拍成照片販售
(B)將公園中的藝術雕像拍成照片販售
(C)將某暢銷小說印製五百份免費贈送他人
(D)於自己的咖啡廳中播放購買之音樂 CD，供客人聆聽
- 28 下列何者不在我國民法所定之血親繼承人範圍內？
(A)祖父母 (B)養父母 (C)繼父母 (D)本生父母
- 29 立法院制定法律時，不得使用下列何種名稱？
(A)律 (B)規程 (C)通則 (D)條例
- 30 下列何者屬刑法上的刑事制裁手段？
(A)假日輔導 (B)強制治療 (C)吊銷駕照 (D)回復名譽
- 31 For the majority of Indians, religion is a part of their life, and it _____ every aspect of their life, from commonplace daily chores to education and politics.
(A)circulates (B)enhances (C)identifies (D)permeates
- 32 France now has a higher birth rate partly because of the _____ offered by the government, which include a three-year paid parental leave and monthly childcare benefits.
(A)compliments (B)estimates (C)incentives (D)properties
- 33 After the 10-K run, all the runners _____ their thirst with plenty of water and all kinds of sports drinks.
(A)forged (B)grasped (C)quenched (D)whisked
- 34 My grandma would _____ for the good old days when, according to her, things were simpler and people had time for each other.
(A)evacuate (B)petition (C)strive (D)yearn

- 35 For some people, _____ is a way of life, a never-ending journey, and they are forever trying to buy a ticket to the beloved's heart.
(A)civilization (B)education (C)romance (D)travel
- 36 Gratitude is not only the greatest of virtues, but the parent of all others.
(A)Gratitude is the greatest virtue and the source of other virtues as well.
(B)Gratitude is not only a great virtue but also a great virtuous element.
(C)Virtue is not only a great attitude but also a parent of other attitudes.
(D)Not only is gratitude a virtue, but the greatest parent of its generation.
- 37 The tornado warning system gave residents 24 minutes' notice that a twister was bearing down on them.
(A)The residents had been informed for 24 minutes about the attack of a deadly twister.
(B)The residents received notice that a twister was approaching and that it would last for 24 minutes.
(C)The tornado warning system needed 24 minutes to prepare before warning the residents about the cyclone's arrival.
(D)The tornado warning system issued the warning of an attack to the residents 24 minutes ahead.
- 38 Until the financial status of the underprivileged can be improved, a substantial reduction in the crime rate of the country is remote.
(A)The rich people of the country need to help the poor fight against the high crime rate there.
(B)If the country can greatly reduce the crime rate, it will help the poor become richer.
(C)Only when the people of the country become financially insecure can the crime rate be lowered considerably.
(D)If the poor people's financial situation is not improved, it is unlikely to see a considerable drop in the crime rate of the country.
- 39 When first joining the 6-month fitness program, Sarah did not expect that she would have been able to _____ and stay to the end.
(A)deflect (B)hypnotize (C)persevere (D)speculate

請依下文回答第 40 題至第 43 題

I have referred in passing to the difficult tasks assumed by the Greek Archaeological Service, and I hope that it will not seem too presumptuous if I further enlarge on them. The unselective preservation of Greece's material heritage, which is a cause so estimable in principle that almost nobody would speak in public against it, has brought about another, less obvious, crisis. The historically conscious visitors to Greece today are rightly impressed by the steady increase in the number of local museums and in the quality of exhibition. What they may not appreciate—and I think that this is true even of classicists and other “professionals” who are not archaeologists—is that what is actually displayed is merely the beautiful tip of an unsightly iceberg. Almost every museum in Greece is compelled to conceal in its storerooms a mass, growing year by year at an alarming pace, of materials unsuited to exhibition; these artifacts are often undocumented and sometimes destined to remain so.

If the Archaeological Service were rewarded, either in salaries or in manpower, on a scale that bears some faint relation to the colossal contribution that its activities make to the nation's tourist industry, then one could look ahead to a possible reduction of the pressure. If we cannot change the current policy, the only prospect is that it will rapidly increase; even to keep pace with the rate of growth in the “submerged nine-tenths” of its holdings, the service would need an increase in manpower. Much of the material has to be stored in improvised accommodation, which proves to be difficult of access for researches; meanwhile, its keepers are distracted by the ever more persistent demands of emergency excavation.

- 40 According to the passage, which characteristic of the current policy causes the crisis of the preservation of the Greek material heritage?
(A)Eclectic (B)Estimable (C)Private (D)Unselective
- 41 According to the passage, which of the following statements is true?
(A)All the excavated artifacts are put on display. (B)“The tip of the iceberg” is a popular artifact.
(C)The number of museums is increasing in Greece. (D)The quality of exhibition needs to be improved.
- 42 What does the pronoun “it” refer to in the underlined sentence, “the only prospect is that it will rapidly increase”?
(A)Policy (B)Pressure (C)Prospect (D)Purpose
- 43 If the government maintains the current policy, according to the author, what more support does the Greek Archaeological Service require?
(A)Excavation (B)Manpower (C)Storerooms (D)Vehicles

第 44 題至第 47 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

These days, clubs are not just loud; they are organ-shuffling. An occupational audiologist once described her experience of standing at the back of a busy night club in the downtown area as being punched in the chest. Another news reporter complained that the thumping club music made his stomach churn.

What is changed is that far more establishments have shifted to foreground music as opposed to background. 44 The noise level on the dance floor of most clubs is well into 100 decibels—the noise level you would expect from a power saw or loud outboard motor.

The industrial-strength vibration that gives you that sought-after “upbeat” feeling is stressful for the body, which reacts to loud noise as to danger—it gets the adrenaline flowing and the heart pumping. 45

46 But opponents say that enforcing maximum interior noise levels of 90 decibels or under will drive patrons to illegal venues.

Not long ago, bar owners were worrying that customers would stay away in droves if smoking was banned. In fact, it is non-smokers who were staying away, fed up with sucking in clouds of second-hand smoke. 47

- 44 (A) One possible method is through devices that flash amber once the noise approaches a set level.
(B) Management believes the music creates an “upbeat” atmosphere.
(C) In other words, it is hard to find a place to go where the music is not intrusively loud.
(D) At noise levels exceeding 90 decibels, even the best construction cannot keep the sound of pounding bass inside.
- 45 (A) At noise levels exceeding 90 decibels, even the best construction cannot keep the sound of pounding bass inside.
(B) One possible method is through devices that flash amber once the noise approaches a set level.
(C) In other words, it is hard to find a place to go where the music is not intrusively loud.
(D) Over time, it results in stress and fatigue, not to mention hearing damage.
- 46 (A) At noise levels exceeding 90 decibels, even the best construction cannot keep the sound of pounding bass inside.
(B) Some suggest that new restrictions on clubs be imposed to keep indoor noise levels to 90 decibels and avoid annoying neighbors.
(C) One possible method is through devices that flash amber once the noise approaches a set level.
(D) Who knows how many people are similarly avoiding clubs and bars because they are fed up with yelling at each other to be heard?
- 47 (A) One possible method is through devices that flash amber once the noise approaches a set level.
(B) Who knows how many people are similarly avoiding clubs and bars because they are fed up with yelling at each other to be heard?
(C) At noise levels exceeding 90 decibels, even the best construction cannot keep the sound of pounding bass inside.
(D) Who knows how many people are similarly avoiding these places because they are fed up with waking up with reeking clothes?

第 48 題至第 50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

Trying to map the brain has always been cartography for fools. Most of the other parts of the body reveal their workings with little more than a glance. 48 The lungs are clearly bellows; the stomach, technically, a grinder.

49 The 1.4-kg lump of wrinkled tissue apparently has no moving parts. 50 However, it not only serves as the motherboard for all the body’s other systems but also is the seat of your mind, your thoughts, your sense that you exist at all.

- 48 (A) You have your limbs.
(B) Nor does it have joints or valves.
(C) The heart is self-evidently a pump.
(D) The mystery of consciousness requires careful study.
- 49 (A) Some maintain that solving the problem of consciousness is controversial.
(B) But the brain, which does more than any other organ, reveals least of all.
(C) The mystery of consciousness requires careful study.
(D) The heart is self-evidently a pump.
- 50 (A) Nor does it have joints or valves.
(B) The heart is self-evidently a pump.
(C) The mystery of consciousness requires careful study.
(D) Some maintain that solving the problem of consciousness is controversial.