### 【律通翻译】——法律翻译中常见拉丁词汇汇总

拉丁语被用来作为法院的语言已经有很长的历史,现在这种用法在很多法律文件中还存在。下文列举法律文件中常见的一些拉丁词汇及其用法说明。

## bona fide 善意的、诚信的、真正的

1. Before registration, the creation, alteration, transfer or extinction of the property right of the vessels, aircraft, motor vehicles, etc. shall not be used against a bona fide third party.

船舶、航空器和机动车等物权的设立、变更、转让和消灭,未经登记,不得对抗善意第三人。

2. The number of reliable dealers is growing, but the market needs bona fide collectors with the energy to do cultural research and to make commitments for sticking to their choices.

值得信任的经销商也越来越多,但是这个市场需要有诚意的收藏家,有精力去开展文化方面的研究并承诺坚持他们的选择。

3. The bona fide residence test, like the physical presence test, comprises one way that an individual can qualify for the foreign earned income exclusion.

与实际居住测试一样,真正居民测试也是测试纳税人是否符合外国收入免税条例的一个方式。(美国税法规定,每一个美国纳税人都要为在世界各地赚取的收入报税。在美国境外居住和工作的美国人,如果通过实际居住测试或真正居民测试,可以豁免全部或部分的外国收入税。)

#### mala fide 恶意的、不诚实的、不诚信的

1. The directors, company and the mala fide third party should not deny the status of shareholders because of the lack of business registration.

董事、公司和恶意第三人均不得以没有进行工商登记为由否认股东身份。

2. The use of a trademark watch service could provide foreign companies with timely information to decide whether to oppose to a mala fide application in a given country or region.

使用商标监视服务可以给外国公司提供及时的信息,决定是否对在某个国家或地区的恶意抢注者提出上诉。

# de facto 事实上的 de jure 法律上的

1. Evensuch requirements existed in relation to domestically produced goods, those members reiterated that any less favorable treatment imposed on the imported goods, whether de facto or de jure, must be eliminated in order to ensure full conformity with the principle of national treatment.

即使对国产货物也存在此类要求,但是这些成员仍然重申,必须取消对进口货物施加的任何事实上或法律上的不利待遇,以保证完全符合国民待遇原则。(国民待遇原则是 WTO 的基本法律原则之一,指在民事权利方面一个国家给予在其国境内的外国公民和企业与其国内公民、企业同等待遇,而非政治方面的待遇。国民待遇原则是最惠国待遇原则的重要补充。)

- 2. de facto corporation 实际存在的公司、未注册公司、地下工厂,指未领有政府发给的合法执照,便开始营业或开工生产的公司或工厂。
- de jure corporation 合法公司,指依法设立的公司。
- 3. de facto relationship 事实婚姻,即未依法登记结婚的同居关系。在澳大利亚移民申请中,澳大利亚承认事实婚姻,异性或同性伴侣同居满 12 个月可以申请配偶移民。

de jure relationship 合法婚姻

#### de novo 重新

Appeals in China are usually de novo, meaning that if a trial-court judge disagrees with your version of the facts, you can make another attempt to tell your side of the story at the appellate level.

在中国,二审经常意味着重新开始,也就是说,如果一个一审法官不同意你方关于事实的阐述,你可以再次在二审阶段尝试着把你所认可的事实告诉二审法官。

### ex parte 单方的

- 1. No party or anyone acting on its behalf shall have any ex parte communication relating to the case with any candidate for presiding arbitrator.
- 当事人或代其行事的任何人不得就案件与任何首席仲裁员候选人进行单方联系。
- 2. The procedures for ex parte applications vary, depending upon whether you bring your application in a regular court, Probate Court, or Family Court.

单方申请流程的差别取决于你是在普通法院、遗嘱检验法院还是在家庭法院提起。

## gratis 免费的、无偿的

- 1. Unless otherwise stated in the document, these publications are gratis. 除非本文件另有说明,此类出版物应免费。
- 2. Any unit and individual shall provide convenience for reporting to the police gratis and shall not obstruct such reporting.

任何单位、个人都应当无偿为报警提供便利,不得阻拦报警。

# in personam 对人 in rem 对物

- 1.But this adoption does notchange the legal nature of China's maritime procedure, which is still action in personam and presents no conflicts with the civil procedure. 但这种吸收,没有改变我国海事诉讼的法律性质(即仍为对人诉讼),没有在海事诉讼和民事诉讼间产生矛盾和冲突。
- 2. As one of the most important elements of the property law, the system of the registration of real estate plays a significant role on the change of real estate right in rem.

不动产登记制度是是物权法的制度基础之一,在不动产物权变动中起着举足轻重的作用。

- 3. action in personam 对人诉讼 action in rem 对物诉讼
- 4. jurisdiction in personam 对人管辖

### pari passu 平等权利、相同权益、按同一比例

The shares so allotted will upon issue rank pari passu in all respects with the then existing issued shares for any dividends, rights, allotments or distributions the record date ("record date") of which falls after the relevant date of exercise of the option. 自发行之日起,依此方式配发的股票与此前已经发行的股票享有完全相同的分红、派息、配股以及其他权利,但不包括登记日(下称"登记日")早于相应期权行使日期的分红、派息、配股以及其他权利。

## pro rata 按比例

1. Unless otherwise specified in the contract, in the event that the sum insured is less than the insured value, the insurer shall undertake the obligation for indemnity pro rata of the sum insured to the insured value

除合同另有约定外,保险金额低于保险价值的,保险人应按照保险金额与保险价值的比例承担赔偿责任。

2. If the employment contract is terminated for whatever reason , including resignation but excluding summary dismissal by the employer in accordance with clause 11 , after 3 months or more but less than 12 months , he she should be paid a pro rata sum in lieu of annual leave

若雇员受雇已满三个月但不足十二个月,则不论雇佣合同是以何种理由终止(包括辞职,但不包括因犯过失而遭雇主根据第11条即时解雇),可以获发用于代替年假的、按比例计算的工资。

#### vice versa 反之亦然

Except where the context otherwise requires, a reference to the singular includes the plural and vice versa, and a reference to the masculine includes feminine and vice versa. 除非上下文另有要求,凡提及单数形式的词语,应包括其复数形式,反之亦然,凡提及阳性形式的词语,应包括其阴性形式,反之亦然。

化杰:律鱼 译 Vivian

# 律面 译,全瑞大型飞锋 译机



### 旅务內寓:

口译/周传:考察 周、旅 周、会居 周、為务谈浴、杂类会议交传和周声传译。

译语种:《卷语、韩语、《日语》 语、《尨语、《为雅》语、 语、 《为语、

奖语、 语、**素大** お语等 90 **為** 语种。

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