



研究生名师名课名作丛书

总主编 仲伟合

副总主编 石佑启 袁 泉

专门用途 英语阅读教程

English Reading for Professional Communication

► 主编 陈金诗



WUHAN UNIVERSITY PRESS

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主 编：陈金诗

副主编：杨小婉 张骏宇

编 者：（按姓氏笔画排名）

李 崧 刘亮星 陈金诗 杨小婉

张骏宇 高永新 喻志强



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前言



在国际化的研究生人才培养过程中,英语的人文性和工具性特点非常突出,其中专门用途英语(English for Specific Purposes, ESP)充分体现了英语教学内容的工具性,它是具有某种专业特色的语域(register)和语篇(discourse),是研究生英语教学的重要内容。而在 ESP 课程中,既有专业不同、互不交融的课程,也有以专业大类为特点、各专业的 ESP 课程交融的课程。

《专门用途英语阅读教程》(English Reading for Professional Communication)定位明确、特色突出,教材编写体现交互式教学、任务型教学与学生自主学习相结合的理念,重视英语综合能力的培养,选编的文章侧重 ESP 阅读材料,体现时代性、专业性、工具性和通用性。主题涉及经济、法律、营销、管理、科技、金融、外贸和物流等内容,各单元关系相对比较密切,是经管法等专业研究生通用的一本教材。教材每个单元包括两篇阅读、专题翻译、实用写作、课后习题等部分,全书最后还提供了课后习题参考答案。

其中每一单元分为 Text A 和 Text B 两大部分,Text A 部分包括 pre-reading tasks、reading 和 post-reading tasks、practical translation 和 practical writing,Text B 部分包括 pre-reading tasks、supplementary reading 和 post-reading tasks。另外,在每篇课文的后面给出了必要的 notes 和 vocabulary,post-reading tasks 中有 speaking 的练习。教材力求在综合能力培养方面给学生练习的机会。

本教材编写组成员均是多年从事 ESP 课程教学与研究的教师,在课堂教学和编写教材方面有一定经验。本着高度负责的精神,编写组成员分工明确,团结合作。基于需求分析,主编负责确定教材的编写原则、总体编写思路、基本框架和话题总体范围,编写部分章节,主审最终书稿和负责总体质量监控;副主编具体负责体例架构、组织协调、进度把握,负责编写任务和质量监控;编者则一丝不苟地完成各自单元的选材和编写工作。在精细分工、精诚合作的基础上,编写组对教材质量层层把关,编写过程中组织多次研讨和论证,才最终定稿。

教材编写过程中,得到了广东外语外贸大学研究生处的经费资助,武汉大学出版社的

编辑团队也为此书的顺利出版付出了辛勤的汗水，在此一并表示衷心的感谢！

当然，由于编写时间紧迫，编者水平所限，出现不足和疏漏之处在所难免，恳请各位教师和学习者批评指正。

编 者

2015 年 3 月



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Unit 1 Justice and Rights

Text A

Pre-reading Tasks

A. Discuss the following questions relevant to the topic in this unit.



- 1) What is intellectual property and how do you categorize intellectual property rights (IPR)?
- 2) How much do you know about patent right, one main area of intellectual property rights?
- 3) How much do you know about the Samsung/Apple case?

B. Look up the italicized words in the dictionary and explain them in English.

- 1) The two companies have filed around fifty *lawsuits* against each other, in ten different countries.
- 2) In the Samsung case, Apple asserts that its Korean competitor *blatantly* copied the iPhone...
- 3) Apple says it was; they had *valid* patents and Samsung *infringed*.
- 4) ..., the general trend of the industry toward being a lot more *litigious* somehow

has just been...

5) On Monday, however, Google's *subsidiary* Motorola Mobility sued Apple over nine patents.

Reading

Sue Different

By Nicholas Thompson

Here are some of Apple's innovations: making computers that aren't scary, creating MP3 players that work, re-inventing phones and inventing tablets, making retail stores that people camp out to get into, and using **patent litigation** the way that Bruce Lee used his feet.

Right now, Apple is aggressively suing nearly every major phone manufacturer, all of whom have **retaliated** and **countersued**. Apple likes to batter HTC and Motorola, but its main enemy is Samsung. The two companies have filed around fifty **lawsuits** against each other, in ten different countries. The most prominent case has been argued in San Jose this summer and should be settled soon.

When Steve Jobs introduced the iPhone, in 2007, he strode across the stage in his black **turtleneck**, praising the device's interface and announcing, **poignantly**, "boy, have we patented it." In the Samsung case, Apple asserts that its Korean competitor **blatantly** copied the iPhone—and Apple is probably right. The highlight of the recent trial was the release of a hundred-and-thirty-two page document, from 2010, in which Samsung employees laid out, in great detail, Apple's **superiority**. The document is like a primer on phone-interface design. (See, for example, the discussion of why Apple's system for entering long telephone numbers is clearer than Samsung's.) Gradually some of Samsung's phones began to look like cousins of an iPhone; then they began to look like brothers. The Galaxy S could now pass as the iPhone's unshaven twin.

Arguments have concluded, and now the jury has to decide whether the copying was illegal. Apple says it was; they had valid patents and Samsung **infringed**. Samsung argues that it wasn't; some of the technology had been invented long before Apple; some of what they copied was obvious. There aren't many ways, after all, that you can build a **rectangular** object you hold in your hand and bring up to your ear.

Conventional wisdom holds that Apple will win. But as Tim Wu, a law professor at Columbia, told me, one way to think about the result is to go back to Apple's first big lawsuit: when, in the late nineteen-eighties, the company asserted that the "look and feel" of its products had been **ripped off** by Microsoft Windows. Bill Gates had stolen the pleasing, intuitive design of Apple's machines. The courts **narrowed down** the lawsuit and eventually threw it out. The result was good for the public. Apple's **interface** was better than Windows', and Microsoft got better by learning from its rival.

In general, we should want good ideas to be copied. If you've got a Samsung phone, be grateful that the engineers at Apple helped design the dialer. Yes, inventors need **incentives** to invent. They need to know that their ideas can make them money and that building something brilliant can make them rich. And in some industries—particularly ones, like **pharma**, with huge research costs—you do need strong patent protection. But technology doesn't work like drug development. The industry evolves quickly, and you need to try to be first, whether you get patent protection or not. Enforcing patents can help you lock in profits, but patents won't change your approach to research.

The prime example of this phenomenon is, of course, Apple. It invented the iPhone and the iPad, and locked in huge profits and brand loyalty before anyone could catch up. Apple, on Monday, became the most valuable company in the history of mankind—and its most valuable product is the iPhone. The company is worth six hundred and twenty-five billion dollars, roughly four times as much as Samsung.

Furthermore, software patents (and even some hardware patents) are notoriously confusing. Last summer, "This American Life" ran an extraordinary segment on the muck of software patents, which included one engineer admitting that he didn't understand even the patents he himself had filed. They were just "mungo mumbo jumbo." It's hard for the **patent office** to evaluate code; it's even harder for juries. Given the complexity and confusion, a good general principle would be to first do no harm. This summer, Judge Richard Posner dismissed a case between Motorola and Apple, and then proclaimed in an interview that the fighting between technology companies shouldn't be surprising. "As in any jungle, the animals will use all the means at their disposal, all their teeth and claws that are permitted by the **ecosystem**." He then added, "It's not clear that we really need patents in most industries."

And Apple's litigation strategy appears to not only come out of the jungle, but it seems to be turning the industry into more of one. For years, Google took pride in always being the **defendant** in patent cases and never the **plaintiff**. But now that's changing. Last spring, Larry Page, the C. E. O. of Google, told *Businessweek* that his company owned lots of patents, which it was proud of not having used.

We have somehow been successful without suing other people over **intellectual property**. So for us, the general trend of the industry toward being a lot more **litigious** somehow has just been—it has been a sad thing. There is a lot of money going to lawyers and things, instead of building great products for users.

On Monday, however, Google's **subsidiary** Motorola Mobility sued Apple over nine patents. Page now sounds a bit like a politician who says that he'll run a clean campaign—but who then puts out an ad saying that his opponent's plan would put your grandma in a bread line.

So what should we want from the Samsung/Apple case? If our goal is a technology industry that innovates, then we want the whole thing thrown out. Forget Apple's **claims** against Samsung; forget Samsung's **counterclaims** against Apple. Let every company that's **mired** in this mess just agree to a **détente** and to cross-license their patents.

The worst outcome would be if Apple wins a large judgment. That will increase the value of patents and will just inspire more suits. Other tech companies will do what they've always done: copy Apple's innovations and just start suing everyone.

(Source: *Daily Comment in The New Yorker*, 2012.)

Vocabulary

patent litigation 专利诉讼

retaliate *v.* 报复, 复仇

countersue *v.* 反诉

lawsuit *n.* 诉讼(案)

turtleneck *n.* 套头衫

poignantly *adv.* 痛彻地; 深刻地

blatantly *adv.* 公然地

superiority *n.* 优越(性), 优势

infringe *v.* 侵权, 侵犯

rectangular *adj.* 长方形的

rip off 剽窃; 偷窃

narrow down (使)变窄; (使)减小; (使)缩小

interface *n.* 界面

incentive *n.* 动机; 刺激; 诱因; 鼓励

pharma *n.* 制药业

patent office 专利局

ecosystem *n.* 生态系统

defendant *n.* 被告

plaintiff *n.* 原告

intellectual property 知识产权

litigious *adj.* (好)诉讼的

subsidiary *n.* 子公司

claim *n.* 索赔; 申诉

counterclaim *n.* 反索赔; 反诉

mire *v.* 深陷

détente *n.* 缓和

Post-reading Tasks

1. Reading Comprehension

- 1) In this patent litigation, “Apple Inc. v. Samsung Electronics Co., Ltd.,” who is the plaintiff and who is the defendant respectively?
- 2) What is the argument in this patent litigation?
- 3) What is your opinion on patent protection after reading this text?

2. Language Focus

A. Match the following expressions with their definitions.

- | | |
|------------------------------|---|
| () 1) patent | a. intangible property that includes patents, trade marks, copyright, and registered and un-registered design rights |
| () 2) litigation | b. a person against whom court proceedings are brought. |
| () 3) intellectual property | c. a reason or set of reasons given with the aim of persuading others that an action or idea is right or wrong |
| () 4) counterclaim | d. a person who brings a case against another in a court of law |
| () 5) plaintiff | e. the taking of legal action by a litigant who is a party to a court action |
| () 6) defendant | f. a government authority or licence to an individual or organization conferring a right or title for a set period, especially the exclusive right to exploit an invention |
| () 7) argument | g. a cross-claim brought by a defendant in civil proceedings that asserts an independent cause of action but is not also a defence to the claim made in the action by the claimant. |

B. Paraphrase the following sentences.

- 1) Right now, Apple is aggressively suing nearly every major phone manufacturer, all of whom have retaliated and countersued.

- 2) When Steve Jobs introduced the iPhone, in 2007, he strode across the stage in

his black turtleneck, praising the device's interface and announcing, poignantly, "boy, have we patented it."

3) Enforcing patents can help you lock in profits, but patents won't change your approach to research.

4) As in any jungle, the animals will use all the means at their disposal, all their teeth and claws that are permitted by the ecosystem.

5) Forget Apple's claims against Samsung; forget Samsung's counterclaims against Apple. Let every company that's mired in this mess just agree to a détente and to cross-license their patents.

C. Complete the sentences with the correct form of the words or phrases in the box.

retaliate

poignant

rip off

narrow down

interface

incentive

ecosystem

mire

1) Although he was living a happy life, the landlord would have never erased his _____ memories of his childhood in his hometown.

2) Mary could have given in to the life she was born into, or remained _____ in blaming her parents and culture for her circumstances.

3) The _____ is the core concept in Ecology and Biology, and serves as the building block of biological organization where organisms interact with each other simultaneously and with the environment as well.

4) The appellate court holds that the company has _____ the creative design of its competitor's product.

5) In the police station, the suspect interrogated told the police that he just wanted to _____ the victim.

6) BitTorrent is a very popular P2P file sharing system, which adopts a set of _____ mechanisms to encourage contributions and prevent free-riding.

7) A user _____ allows the utility or functionality of a system, program, or device to be conveniently applied.

8) The researchers then _____ the X-ray beam so that it was just a tenth of a

millimetre across and found that the fractal-like regions occurred only where the beam struck the sample.

3. Speaking

Intellectual property rights (IPR) protection is a major concern in modern society. What recent cases in this area are you familiar with? Do you think IPR should be better protected in China and how? Have a discussion in pairs.

Practical Translation

1. Translation Skills

法律文本翻译

法律文本，尤其是规范性法律文本，具有语言严肃庄重、行文结构复杂、篇章逻辑严密、文体规范正式等特点。一方面，法律是统治阶级意志的体现，属于上层建筑，其权威和功能的维护必须通过严肃庄重和规范正式的语言得到明确的表达和充分的维护。同时，因法律语言往往表达主客体复杂关系，需要周密严谨的叙述，语句复杂冗长，复合句多从句和修饰语，结构相互重叠、前后穿插；法律文本的篇章结构组织严密，富有逻辑，观点明确。

在处理法律文本翻译时可遵循的总体原则为法律信息对等。在翻译过程中，保持法律概念、法律规范、法律效力与法律效果等法律因素的信息对等为首要考虑因素。当然语言对等是实现法律对等的前提条件，尤其是规范性法律文本翻译的法律信息对等因其抽象必须在语言层面上进行操作，即翻译中要坚持公正、准确、合适、精练等原则，译文能够体现目标语的语域特征。翻译中要重视词汇特点、句法特点和语篇特点。

(1) 法律词汇翻译：译者先要深入准确理解法律词汇，纵横比较源语和目标语的法律文化和法律体系，特别需要重视词汇在语境中的具体意义，进而选择最精准的翻译表达。

A. 法律英语中的大量外来词语，特别是拉丁词语，翻译时要特别注意。如：*de facto* (事实上的)，*in re* (关于)，*inter alia* (除了别的因素以外；特别)，*alibi* (不在犯罪现场)，*bona fide* (真正的；真诚的)，*quasi* (好像；准)，*per se* (自身)，*ad hoc* (专门的，专门地)等。

B. 注意法律英语中常用词的特殊意义。如：*action* (诉讼)，*avoid* (取消)，*consideration* (对价)，*execute* (签署)，*prejudice* (损害)，*save* (除了，除……外)，*serve* (送达)，*said* (上述，该)，*minor* (未成年)或*major* (已成年)，*instrument* (法律文件)等。

C. 注意法律术语、行话或套话翻译。如：“终止(*termination*)”，不能用“*finish*”代替；“援引(*invoke*)”，不能用“*quote*”代替；“重大违约(*a material breach*)”，不能用“*a serious breach*”代替。再如：*burden of proof* (举证责任)，*cause of action* (案由)，*letters patent* (专利证书)，*negotiable instrument* (流通票据)，*reasonable doubt* (合理的怀疑)，*contributory negligence* (互有过失)等。

(2) 法律长句翻译：法律语言结构复杂，完整句式长句众多，处理源语言长句时要借助语法知识，厘清句内脉络，理解逻辑关系，抓住句子主干，分解辅助成分，最后再用合

乎目标语逻辑习惯的语言翻译出来。

如: However, if, by virtue of the offer or as a result of practices which the parties have established between themselves or of usage, the offeree may indicate assent by performing an act, such as one relating to the dispatch of the goods or payment of the price, without notice to the offeror, the acceptance is effective at the moment the act is performed, provided that the act is performed within the period of time laid down in the preceding paragraph.

译文: 但是, 如果根据该项要约或依照当事人之间确立的习惯做法和惯例, 被要约人可以做出某种行为, 例如与发运货物或支付价款有关的行为, 来表示同意, 而无需向要约人发出通知, 则承诺于该项行为做出时生效, 但该项行为必须在上一款所规定的期间内做出。

本例英文译为汉语时, 要先确定句子主干“the acceptance is effective at the moment ...”, 其前面内容“if...”为条件状语从句, 该状语从句还包含一个“by virtue of”和“such as”引导的状语, 后面的“provided that...”表示让步关系。通过分析, 译者可把握该长句的脉络关系, 便不难产生合乎逻辑、信息对等的译文了。

(3) 法律篇章翻译: 翻译时, 要在词汇和句子微观层面翻译的基础上, 重视文本的宏观信息结构, 根据语篇整体信息结构, 选用合适的表达手段传达具体信息, 形成篇章译文。

如法律法规都是采用从总则到条款的先宏观后微观的语篇信息树状结构, 翻译时既要把握好总则这个上层结构中所规定的法律事务主体在某一领域内的一般性权利和义务, 又要译好条款中特定情形下的法律权利和义务, 这种高度程式化的特点有助于实现译文与原文的语篇信息对等。

2. Translation Practice

Translate the following sentences into English or Chinese.

1) The parties to the contract have equal legal status, and neither party may impose its will on the other.

2) The people's government at various levels shall take measures to repress unfair competition acts and create favorable environment and conditions for fair competition.

3) 中央人民政府所属各部门、各省、自治区、直辖市均不得干涉香港特别行政区根据本法自行管理的事务。

4) 外观设计专利权被授予后, 任何单位或者个人未经专利权人许可, 不得为生产经营目的制造、销售其外观设计专利产品。

5) The supplier shall safely supply electricity pursuant to the quality standards for power supply set by the State and as contracted. If the supplier fails to safely supply electricity pursuant to the quality standards for power supply set by the State and as contracted, and thus causes losses to the consumer, the supplier shall hold the liability for damages.